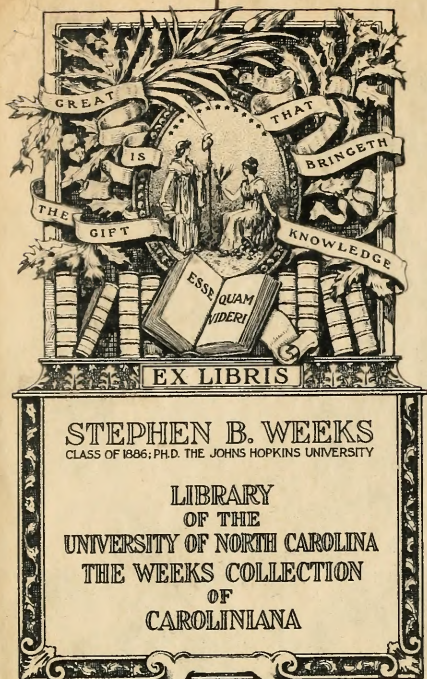


C345.1  
N87  
1825



Binding the gift of  
John Sprunt Hill

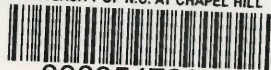


2345.1-1182

1825



UNIVERSITY OF N.C. AT CHAPEL HILL



00035472247

*This book must not be  
taken from the Library  
building.*

25 Mar '39 BH

9 Mar '44


30 Nov 45 SM

24 Jul 48 B

1 Aug 50







Digitized by the Internet Archive  
in 2010 with funding from  
Ensuring Democracy through Digital Access (NC-LSTA)





07C

# ACTS

PASSED BY

**THE GENERAL ASSEMBLY**

OF

**THE STATE OF NORTH CAROLINA,**

AT ITS SESSION,

COMMENCING ON THE 21ST OF NOV. 1825.

---

**RALEIGH:**

PRINTED BY BELL & LAWRENCE,

Printers to the State,

.....

1826.

+

LIBRARY

Y. 1. 1. 1.

THE UNIVERSITY OF CHICAGO

1890

THE UNIVERSITY OF CHICAGO

AT THE LIBRARY

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

1890



# LAWS OF NORTH-CAROLINA,

*Enacted by a General Assembly, begun and held at Raleigh, on the twenty-first day of November, in the year of our Lord one thousand eight hundred and twenty five, and in the forty-ninth year of the Independence of the said State.*

---

HUTCHINS G. BURTON, ESQ. GOVERNOR.

---

## CHAPTER I.

An Act to create a fund for the establishment of Common Schools.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a fund for the support of Common and convenient Schools for the instruction of youth, in the several Counties of this State, be, and the same is hereby appropriated, consisting of the dividends arising from the stock now held, and which may hereafter be acquired by the State in the Banks of Newbern and Cape Fear, and which have not heretofore been pledged and set apart for internal improvement; the dividends arising from Stock which is owned by the State in the Cape Fear Navigation Company, the Roanoke Navigation Company, and the Clubfoot and Harlow Creek Canal Company; the tax imposed by law on licenses to the retailers of spiritous liquors and auctioneers; the unexpended balance of the Agricultural fund, which, by the Act of the Legislature, is directed to be paid into the Public Treasury; all monies paid to the State for entries of vacant lands, (excepting the Cherokee lands;) the sum of twenty-one thousand and ninety dollars, which was paid by this State to certain Cherokee Indians, for reservations to land secured to them by treaty, when the said sum shall be received from the United States by this State; and of all the vacant and unappropriated Swamp lands in this State, together with such sums of money as the Legislature may hereafter find it convenient to appropriate from time to time.

Of what appropriations the fund is to consist.

II. *Be it further enacted,* That all sums of money which have accrued since the first day of November last, or which may hereafter accrue as aforesaid, shall be, and the same is hereby vested in the Governor of the State, the Chief Justice of the Supreme Court, the Speaker of the Senate, the Speaker of the House of Commons, and the Treasurer of the State, for the time being; and they and their successors in office are hereby constituted a body corporate and politic, under the name of the President and Directors of the Literary Fund, with power to sue, and be sued, plead and be impleaded, and to hold real and personal property, and to sell, dispose of, or improve the same, to effect the purposes of promoting learning, and the instruction of youth. The Governor shall be President of the Board, and any three of the Directors shall

The fund vested in the Governor &c who are constituted a body corporate and politic.

The Governor or to be Pre-

78803

sident of the Board, & any three of the Directors to form a quorum. constitute a quorum for the transaction of business relative to the said fund; and, in the absence of the Governor, they shall have authority to appoint a President for the time of such absence. They shall cause to be kept by the Treasurer of the State a regular account of all such sums of money as may belong to the said fund, the manner in which the same has been applied and vested, and they shall make an annual report thereof to the Legislature, with such recommendations for the improvement of the same, as to them shall seem expedient.

III. *Be it further enacted*, That the President and Directors of the fund hereby created are authorised to vest any part or whole of the said fund, in the Stock of any of the Banks of this State, or of the United States, or in the Stock of the Government of the United States, and at all times to change, alter and dispose of the same, and of any real and personal estate belonging to the said U. States, or fund, in such manner, and upon such terms, as may, in their opinion, be best calculated to improve the value thereof.

IV. *Be it further enacted*, That the fund hereby created shall be applied to the instruction of such children as it may hereafter be deemed expedient by the Legislature to instruct in the common principles of reading, writing and arithmetic; and whenever, in the opinion of the Legislature, the said fund shall have sufficiently accumulated, the proceeds thereof shall be divided among the several Counties, in proportion to the free white population of each, to be managed and applied in such way as the Legislature shall hereafter authorise and direct.

## CHAPTER II.

An act to prevent persons, who have been or may be appointed Commissioners on the part of the State for any purposes, from becoming contractors.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That if any person who now is, or hereafter may be appointed a Commissioner on behalf of the State, to discharge any public trust under the laws or authority of this State, shall make any contract as Commissioner, or participate in making any contract under such appointment, and be interested therein, either as sole undertaker, or contractor, or jointly with another, either privately or openly, such person shall be deemed guilty of a misdemeanor, and shall be subject to prosecution, by indictment, in any Court having jurisdiction of the offence, and, on conviction, shall be fined or imprisoned at the discretion of the Court.

Penalty for making, or being interested in contracts.

## CHAPTER III.

An Act for the relief of certain purchasers of the Cherokee Lands.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That where any person, whose bonds are now held by the Public Treasurer, for the purchase of land acquired by the Treaty with the Cherokee Indians, shall produce to the Treasurer satisfactory

The Treasurer to remit interest on bonds up to May 1, 1825,



proof that the tract or tracts of land, for which such bonds were given, were materially interfered with by Indian reservations, it shall be the duty of the Treasurer to remit all the interest, which accrued on such bonds from their date until the first day of May, one thousand eight hundred and twenty-five, and to allow the same periods of credit, without interest, for the payment of said bonds from the said first day of May, eighteen hundred and twenty-five, as were allowed by law to other purchasers from the date of their purchase: *Provided*, that the provisions of this act shall not extend to any person, who is not mentioned as having purchased land, with which the Indian reservations interfered, in the report made by the commissioners, Messrs Roberts and Robinson, to the Legislature, at their last session, nor shall they be construed to extend to any reservations except those to which the Indian title was adjudged by the said commissioners to be good and valid.

Proviso.

#### CHAPTER IV.

An Act concerning the entry of Land in this State.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That from and after the passage of this act, it shall not be lawful for any entry-taker in the several Counties of this State to receive any entry or entries of vacant and unappropriated marsh and swamp lands in this State, except in cases where the quantity of land does not exceed fifty acres of vacant land in one body, and that situate between lines of tracts heretofore granted.

Entry-takers not to receive entries of vacant marsh and swamp lands where the quantity exceeds fifty acres, &c.

II. *And be it further enacted*, That every entry made, and every grant which may be issued, contrary to the intent and meaning of this act, shall be void.

III. *And be it further enacted*, That this act shall continue in force until the first day of February, one thousand eight hundred and twenty seven.

This act to continue in force till 1st Feb. 1827.

#### CHAPTER V.

An act to direct the manner in which licenses shall be hereafter issued to retailers of Spirituous Liquors.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Comptroller shall issue, in such numbers as he may deem necessary, to the several Sheriffs in this State, blank licenses to retail spirituous liquors by the small measure, at the same time, and under the same rules and regulations, and to be accounted for by the Sheriffs in the same manner, that pedlars' licenses are now issued and accounted for.

Licenses to retail spirituous liquors to be issued & account'd for in the same manner as pedlars' licenses.

II. *Be it further enacted*, That from and after the first day of March next, every person wishing to retail spirituous liquors by the small measure, shall apply to the County Court of Pleas and Quarter Sessions, in which they reside, and obtain an order therefor; which order shall be granted by the said Court, seven Justices being present on the bench, to such persons only as may give satisfactory evidence to the said Court of their good conduct and

Application for licenses to be made to the County Courts.



moral character; and, upon the same being granted as aforesaid, the Clerk shall give to the party so applying for license a certificate thereof, for which the said Clerk may demand and receive of the party applicant eighty cents; and it shall be the further duty of the Clerk to transmit annually to the Comptroller, at the time he transmits his list of taxable property, the names of all such applicants.

Retailers to pay 4 dollars for each license.

III. *Be it further enacted*, That the party applying for licenses as aforesaid, shall, immediately on obtaining a certificate thereof from the Clerk, deliver the same to the Sheriff, and pay into his hands the sum of four dollars, and receive therefor a license, signed by the Comptroller, and countersigned by the Sheriff, as directed in the first section of this act: *Provided*, that no person, by such license, shall be authorised to retail spirituous liquors at more than one place in said County, for which said license may be granted.

Proviso,

Sheriffs to furnish the prosecuting attornies with lists of such persons as have obtained licenses.

IV. *And be it further enacted*, That it shall be the duty of the Sheriffs of the several Counties in this State, at each and every Term of their County Courts, to furnish the prosecuting attornies of their respective Counties with a list of all such persons within their County, as have, within the term of twelve months last past, obtained a license to retail spirituous liquors by the small measure, in the manner directed by this act; which list shall be handed over to the Foreman of the Grand Jury, and this act given them in charge by the prosecuting attorney.

Penalty.

V. *Be it further enacted*, That if any person shall retail spirituous liquors by the small measure, contrary to the true intent and meaning of this act, such person or persons so offending shall be subject to indictment, either in the Superior or County Court for the same, and upon conviction, shall be fined, at the discretion of said Court, a sum not less than five dollars for each and every offence.

VI. *Be it further enacted*, That this act shall not be so construed, as in any manner to affect the mode in which licenses are now by law directed to be issued in any incorporated town in this State.

Repealing clause.

VII. *And be it further enacted*, That all laws, and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

#### CHAPTER VI.

An act to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift.

Two years from the passage of this act allowed for registration.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all grants of land in this State, all deeds of mesne conveyance, powers of attorney, under which any lands, tenements or hereditaments have been, or may be conveyed, and all other powers of attorney which are required to be proven and registered by any former act of the State, all bills of sale, deeds of gift already proved, all deeds of conveyance which are required to be proven, or which may hereafter be proven, shall and may, within two years after the



passage of this act, be admitted to registration, under the same rules, regulations and restrictions as heretofore appointed by law; and said grants, deeds, mesne conveyances, powers of attorney, bills of sale, and deeds of gift shall be as good and valid as if they had been proven and registered within the time heretofore allowed by law; any law to the contrary notwithstanding: *Provided*, that nothing herein contained shall be construed to extend to mortgages, or to deeds or conveyances in trust. Proviso.

### CHAPTER VII.

An act directing the manner in which the regiments of Infantry of this State shall hereafter be reviewed.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Brigadier Generals of this State shall hereafter be required to review the Regiments of Infantry, composing their Brigades, separate and distinct from each other.

### CHAPTER VIII.

An Act to make an appropriation for clearing out the Flats below the town of Wilmington.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the sum of six thousand dollars be, and the same is hereby appropriated, for the purpose of clearing out the Flats below the town of Wilmington; to be paid out of the fund set apart for internal improvement. 6,000 dollars appropriated

### CHAPTER IX.

An act directing to whom the bonds of certain officers therein named, shall be made payable, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of January, one thousand eight hundred and twenty-seven, all bonds now required by law to be taken from Sheriffs, Coroners, Constables, Clerks of the Supreme and Superior Courts, Clerks and Masters in Equity, Clerks of the County Courts, Administrators, Executors, as well those living in, as those moving out of the State, County Trustees, Registers, and Public Inspectors, shall be taken, and made payable to the Governor for the time being, and his successors in office, with the like securities and conditions, and under the same rules, regulations and restrictions, as are now required by law; and that any person or persons injured, may and shall, at his, her, or their costs and charges, commence and prosecute a suit on said bonds, in the name of the Governor or his successor in office, against such Sheriff, Coroner, Constable, Clerk of the Supreme and Superior Courts, Clerk and Master in Equity, Clerk of the County Court, Administrator, Executor, County Trustee, Register, and Public Inspectors, and their securities, respectively, to said bonds, and against the heirs, executors and administrators of each and After January 1st, 1827, bonds of sheriffs, &c. to be made payable to the Governor.  
  
Suits on such bonds to be prosecuted in the name of the Governor.

every one of them, and their securities; and shall and may recover all damages, which he, she or they may have sustained by reason of the breach of the condition of said bonds.

Repealing  
clause.

II. *And be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

#### CHAPTER X.

An act to provide for the removal of the shoal in the Tar River below the Town of Washington.

3,500 dollars  
appropriated

Proviso.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the sum of thirty-five hundred dollars be, and the same is hereby appropriated, for the purpose of removing an obstruction in the navigation of Tar River, which obstruction is a sand or mud shoal, about a mile below the town of Washington: *Provided*, That after the Board of Internal Improvement shall have made a sufficient experiment with the dredging machine lately purchased, it shall appear to them practicable to remove the said shoal by means of said dredging machine.

The appro-  
priation to be  
paid out of  
the fund for  
internal im-  
provement.

II. *Be it further enacted*, That the Board for Internal Improvement be directed to cause said obstruction to be removed, and that the sum aforesaid, or so much thereof as shall be necessary for that purpose, be paid out of the fund set apart for internal improve-  
ments.

#### CHAPTER XI.

An act for the better protection of Public Bridges owned by individuals or corporations, and prescribing the punishment for burning the same.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That if any person or persons shall hereafter wilfully and maliciously set fire to and burn any public bridge, or private toll bridge, with an intent to destroy the same, he, she or they shall be deemed guilty of felony, and shall be punished accordingly.

#### CHAPTER XII.

An act to cede to the United States an Island, called Oak Island, or so much thereof as shall be purchased by the United States for the purpose of erecting a fortification at the mouth of Cape Fear River.

Preamble.

WHEREAS the Congress of the United States have passed an act to provide for the defence of the River Cape-Fear, by the erections of proper fortifications on Oak Island, at the mouth of said River; and whereas it is expedient that the United States should have the exclusive jurisdiction of said Island, on which said fortifications shall be erected;

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the exclusive jurisdiction of the Island, called Oak Island, lying and being at the mouth of Cape Fear River, or of so much thereof as shall be purchased by the United States for the purpose of



erecting a fortification, shall be ceded to and stand vested in the United States, as soon as the proprietors of said Island shall convey the same, or any part thereof to the United States for the purpose aforesaid.

II. *And be it further enacted*, That the above mentioned Island, or such part thereof as shall be purchased aforesaid, is and shall be ceded to the United States upon the express condition, that the fortifications for which said land is ceded, shall be erected within ten years, and be continued and kept up forever thereafter for the public use. Fortifications to be erected within ten years.

III. *And be it further enacted*, That nothing herein contained shall be so construed as to debar or hinder any of the Officers of this State from serving any kind of process or levying executions within the limits ceded by this act to the United States, in the same manner, and to the same effect, as if this act had never been passed. Officers of this state not to be debarred serving process, &c. in the cession.

IV. *And be it further enacted*, That this act shall be in force from and after the ratification thereof.

### CHAPTER XIII.

An act to extend the provisions of an act, passed in the year one thousand eight hundred and twenty-two, entitled "an act granting further time to perfect titles to lands within this State."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the provisions of the above recited act shall be extended to the first day of January, one thousand eight hundred and twenty-eight, any law to the contrary notwithstanding.

### CHAPTER XIV.

An act to revive, and continue in force, for and during the time therein mentioned, an act of the General Assembly of one thousand eight hundred and twenty-four, entitled "An act to alter and amend the act of the General Assembly of one thousand eight hundred and twenty-three, entitled 'an act for the relief of such persons, as became purchasers of the Cherokee Lands sold under the authority of this State.'"

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the above recited act, and every clause and provision thereof, be, and the same are hereby revived, and shall continue and remain in full force and operation from the time of the passing and ratification hereof, until the next annual meeting of the General Assembly, and no longer. Said act revived, and to continue in force till the next session of the Legislature.

### CHAPTER XV.

An act directing the manner in which the costs of suits decided in the Supreme Court of North-Carolina shall hereafter be collected and paid over.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Clerk of the Supreme Court shall immediately after the rise of the next term thereof, and immediately after the rise of each term thereafter, transmit to the Clerks of the Superior Courts of Clerk of the Supr'e Court to transmit to the Clerks of the Superior Courts of



cates of cases decided, and the latter to issue executions for costs

Law and Courts of Equity certificates of the decisions of the Supreme Court, in cases sent from said Courts; and thereupon the said Clerks respectively shall issue execution for the cost incurred in said cases, in the Court from which the same was sent; and the Clerk of the Supreme Court shall issue execution for the costs incurred in that Court.

## CHAPTER XVI.

An act to amend the several acts of Assembly passed to extend and improve the State Road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's ford, in the county of Wilkes, and for other purposes.

Preamble.

WHEREAS the commissioners appointed by the acts of 1822 and 1823, have failed to lay off the said road, and direct improvements to be made thereon, with the application of the money appropriated for that purpose;

Commissioners.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That* Thomas W. Wilson, William Davenport, Jesse Minton, Thomas Triplett, and Moses Walters, be, and they are hereby appointed commissioners, to review, lay off, and make such suitable alterations for the improvement of said road, as they or a majority of them may deem most advisable; and when the road is thus laid off, they shall give due notice thereof and proceed to let out the several improvements to be made, in such lots as they may think most advisable, to the lowest bidder, and such new parts or alterations to be made, shall be done in a proper and workmanlike manner, and of a width corresponding with the other part of the State Road. And the said commissioners shall assess all damages that private persons may sustain on oath, to which they will pay due respect, if consistent with the public good; and the same shall be paid to the persons so damaged out of any county funds not otherwise appropriated.

Commissioners to assess damages.

II. *And be it further enacted,* That the said commissioners, or any two of them, shall have power, and they are hereby authorised and required to call on the commissioners appointed by the acts of one thousand eight hundred and twenty, and one thousand eight hundred and twenty-one, to lay off the State Road known by the name of Horton's Turnpike, or on any one of them, in whose hands there remains any balance of the appropriations to said road, for all such balances that have not been expended on the road from the Laurel Hill to the Stone Mountain, or recently from the Laurel Hill to Wilkesborough, under the provisions of the acts of one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three; and, on failure of the said commissioners, or any one of them, in whose hands any balance of said appropriations remain, to account for and pay over to the commissioners by this act appointed, all balances so remaining unexpended, the commissioners hereby appointed, or any two of them, are hereby authorised and required to institute suit for the

Present commissioners to call on former commissioners for balance of appropriations.



same, as commissioners, which shall be recoverable before any jurisdiction having cognizance thereof.

III. *And be it further enacted*, That the commissioners by this Commission-act appointed, on receiving the unexpended balances of money a-ers to ac-  
foresaid, or any part thereof, from the former commissioners, or count for un-  
any of them, shall in due time pay the same to the undertakers of expended  
the said road, agreeably to their several contracts, and duly account balances re-  
to the Board of Internal Improvement how and in what manner ceived by  
they have disposed of the money aforesaid. them.

IV. *And be it further enacted*, That when the said road is alter- Overseers to  
ed and improved as by this act directed, then the several over-keep the  
seers, with their respective hands on the whole extent of said road in good  
road, shall work on and keep in good repair the same, as they repair.  
are bound to do under the existing Road Laws.

V. *And be it further enacted*, That all laws and clauses of laws, Repealing  
that come within the purview and meaning of this act, be, and clause.  
the same are hereby repealed.

VI. *And be it further enacted*, That this act shall be in force, This act to  
from and after the passing thereof. take immedi-  
ate effect.

### CHAPTER XVII.

An act to compel certain Officers therein named, to make out their fee bills in dollars and cents, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Clerks of  
the Clerks of the Superior and County Courts, County Surveyors, Courts &c. to  
and Clerks and Masters in Equity, for the several counties within make out fee  
this State, shall make out all fee bills, and other charges of what- bills in dol-  
ever nature they may be, relating to their offices, in dollars and lars & cents.  
cents.

II. *Be it further enacted*, That all Sheriffs, Constables, and Coro- Receipts for  
ners within this State, shall give all receipts for fees, and all oth- fees to be gi-  
er monies by them collected by virtue of their offices, in dollars ven in dollars  
and cents. and cents.

### CHAPTER XVIII.

An act to amend "An act for the better care of orphans, and security and management of their estates."

WHEREAS, by the seventh section of said act, it is directed that the bonds given by guardians shall be made payable to the Justices present in Court, and granting such guardianship, the survivor and survivors of them, their executors and administrators, which in many instances prove inconvenient and sometimes impracticable to effect a recovery on said bonds; Preamble.

*Be it, therefore, enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of May next, all such Bonds of  
bonds shall be taken and made payable to the Governor of the guardians to  
State for the time being, and his successors in office, which bonds be made pay-  
the court shall cause to be acknowledged before them and record- able to the  
ed; and any person or persons injured, may and shall, at his or Governor.



Suits to be instituted against guardians for damages. their proper cost and charges, commence and prosecute a suit against such guardian and his securities, his or their heirs, executors or administrators, and shall and may recover all damages and costs, which he, she or they have sustained by reason of the breach of the condition thereof.

Clerks of C'ty Courts to enter on their dockets the names of Justices present at the granting of guardian-ships. II. *And be it further enacted*, That it shall be the duty of the Clerks of the County Courts, and they, and every of them, are hereby required to make a record of, and enter at large on their dockets the names of the Justices of the Court who shall be present at the granting said guardianship, and approving of the securities to said guardian bond; and it shall also be the duty of the Clerk, to certify upon the said bond the names of the Justices present in Court and granting said guardianship, and that no Justice of the Peace to whom any guardianship shall be committed, shall be permitted to vote or sit on the bench at the said appointment:

Proviso. *Provided always*, that nothing contained in this act shall in any wise affect the liability which the Justices composing the Courts are subject to according to the existing law for not taking sufficient security from guardians: *Provided always*, That any Justice of the Peace present and not concurring in the grant of such guardianship, or in the acceptance of the sureties offered by the guardian, may require, and, on his request, the Clerk shall record on the minutes and certify on the bond, that such Justice did not concur in such appointment, or in the acceptance of the sureties offered; and such certificate and entry shall exempt such Justice from liability on account of such bond.

Further proviso.

### CHAPTER XIX.

An act to provide for taking testimony in certain cases in the Supreme Court.

Supr'e Court to have power to direct the taking of further testimony in cases in Equity. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Supreme Court of this State shall have power, whenever it shall appear to them necessary for purposes of justice, to allow and direct the taking of further testimony in any cause in Equity, which has or hereafter may be removed to the said Court for trial, under such rules and restrictions as the said Court may, in its discretion, provide.

This act to take immediate effect. II. *And be it further enacted*, That this act shall be in force immediately from and after the ratification thereof.

### CHAPTER XX.

An act to make Overseers of Public Roads competent witnesses as to notice.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, each and every Overseer of a Public Road may, in all cases, where he is bound by law to give notice to the hands, or to the owners thereof, be a competent witness to prove such notice before any tribunal having cognizance thereof.



## CHAPTER XXI.

An act concerning the settlement of Guardians appointed by the Superior Courts.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Clerks of the Superior Courts of Law within this State to render to the Clerks of the County Courts, at the first Court which shall be holden in each and every county after the first day of January, one thousand eight hundred and twenty-seven, a list of the names, setting forth therein the times of appointment, of all persons, who shall have been appointed guardians by the Superior Court, of which he is Clerk, and who shall not have made a final settlement with his or her ward; and the said Clerks of the Superior Courts shall annually thereafter render to the Clerks of the County Courts a list of the names and times of appointment of all persons who shall have been appointed guardians by the said Superior Courts for the year preceding.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerks of the County Courts to issue notices in nature of scire facias, against all guardians appointed by any of the Superior Courts, who shall fail to appear and settle their respective accounts or renew their bonds, under the rules, regulations and restrictions as are now prescribed by law for issuing notices against delinquent guardians.

## CHAPTER XXII.

An act to amend an act, entitled "an act to amend an act, entitled 'an act to prevent the stealing of Slaves, or by violence, seduction, or any other means, taking or carrying away any Slave or Slaves, the property of another, and for other purposes therein mentioned,'" passed in the year one thousand seven hundred and ninety-two.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, if any master of any ship or vessel, mariner, or any other person or persons, trading or being within this State, shall carry, convey, or conceal on board of any ship or vessel, any negro, or mulatto slave or slaves, the property of any citizen or citizens of this State, without the consent in writing of the owner or owners, his, her or their Guardian or Guardians, of such slave or slaves previously obtained; or shall take and receive on board of any such vessel or ship, any such slave or slaves, or permit or suffer the same to be done, with the intent and for the purpose of carrying and conveying such slave or slaves out of this State, or shall wickedly and willingly conceal, or permit to be concealed on board of any such ship or vessel, any negro or mulatto slave or slaves, who shall, or may hereafter abscond from his, her, or their master or mistress, being citizens of this State, with the intent and for the purpose of enabling such slave or slaves to effect his, her or their escape out of this State, every such master, mariner, or other person or persons, on board of any such ship or vessel, so carrying or convey-



ing, or so taking, receiving, or concealing, or causing or permitting the same to be done, with the intent as aforesaid, shall be taken and deemed to be guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Penalty for  
concealing  
slaves on  
board of ves-  
sels.

II. *And be it further enacted*, That if any negro or mulatto slave or slaves, shall be found concealed on board of any ship or vessel trading in this State, without the consent or knowledge of the master or mistress, his, her or their Guardian or Guardians, of such slave or slaves, after the vessel shall have weighed anchor, or hoisted sail for leaving the port, the master of such ship or vessel shall forfeit and pay to the owner or owners of said slave or slaves, the sum of five hundred dollars, to be recovered by action of debt in any of the Courts of this State, having jurisdiction of the same.

### CHAPTER XXIII.

An act concerning the navigation of Neuse River.

Operations of  
the Comp'ny  
to be confin-  
ed between  
Cobbs' mill  
& Smithfield.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the power and authority of the corporation of the Neuse River Navigation Company shall extend only to that part of the Neuse river, which lies between Cobbs' mill, in Wake county, and the town of Smithfield, in the county of Johnston.

Charter ex-  
tended eight  
years.

II. *And be it further enacted*, That the charter of said Company shall be extended eight years in addition to the time now limited by law.

III. *And be it further enacted*, That it shall be the duty of the said corporation to commence their operations on the said river at Cobbs' mill, and to render the same navigable by working downwards.

Repealing  
clause.

IV. *And be it further enacted by the authority aforesaid*, That all laws coming within the purview of this act are hereby repealed.

### CHAPTER XXIV.

An act to amend an act, passed in the year one thousand eight hundred and sixteen, entitled "an act to amend the laws in force respecting the trial of Slaves in capital cases," and to extend the provisions thereof to the trial of Slaves in certain other cases.

Sup'r Courts  
to have ori-  
ginal exclu-  
sive jurisdic-  
tion of felon-  
ies within  
clergy, when  
committed  
by slaves; &  
such slaves to  
be tried in  
the same  
manner as  
free men  
charged with  
like offences.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Superior Courts of Law within the several counties of this State, shall hereafter have original exclusive jurisdiction of all felonies within clergy, when committed, or alleged to have been committed by any slave or slaves, and the trial of such slave or slaves shall be conducted and prosecuted under the same rules, regulations and restrictions as the trial of a free man, when charged with a like offence: *Provided*, That when any slave shall be convicted of any clergyable felony, and shall pray for and obtain the benefits of the fourth section of the before mentioned act, the Court shall have power to direct and adjudge such corporal punishment short of death or dismemberment as to the Court shall seem right, under all the circumstances of the case; and the en-



try of such judgment shall have the same legal effects and consequences, as if the slave or slaves were burned in the hand, as in case of a free man convicted of a similar offence.

### CHAPTER XXV.

An act to cede to the United States a certain tract of land, called Bogue Banks.

WHEREAS the Congress of the United States have passed an act to provide for the defence of Old Topsail Inlet in this State, by the erection of proper fortifications at Bogue Banks; and whereas it has been suggested, that difficulties have been experienced by the United States in procuring proper titles to the site required; and whereas it is also expedient that the United States should have the exclusive jurisdiction of said site on which said fortifications shall be erected;

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the exclusive jurisdiction of a certain tract of land, called Bogue Banks, butted and bounded as follows, to wit: Beginning at a point on the Atlantic shore, where a line due north and south will touch the extreme end of a line extending west two thousand seven hundred and ninety-five yards, from a point at the extreme east end of Bogue Banks, thence from the beginning due north across Bogue Banks four hundred and eighteen yards, till it meets the water's edge, thence eastwardly, following the shore along Fishing creek, and along the shore to the extreme eastern point of Bogue Banks, thence round said point, along the Atlantic ocean westwardly to the beginning, containing four hundred and five acres and fifty-nine hundredths, more or less, shall be ceded, and stand vested in the United States, as soon as the proprietors of said land shall convey the same to the United States; or, in case the proprietors shall refuse to convey, or be unknown, then as soon as the said land shall be viewed, laid off, and valued, as hereinafter shall be directed; saving and reserving to the present proprietors of the fisheries the right of fishing upon said Banks, as heretofore exercised by them.

II. *And be it further enacted,* That should the owner or owners of said land be unknown, or refuse to sell the same for a fair price, and the United States shall, by their attorney for the district of North-Carolina, file with his Excellency the Governor of this State a suggestion in writing, setting forth their desire to obtain a site for the erection of fortifications on said lands, called Bogue Banks, and describing in such suggestion the situation of such site, and the name of the owner or owners, if known, it shall be the duty of the Governor forthwith to transmit a copy of such suggestion to one of the Judges of the Superior Courts of Law and Equity of this State, who shall, on receipt thereof, issue a writ of venire facias to the Sheriff of the county in which such site so required is situated, commanding him to summon twenty-four freeholders of his county to appear on the premises, on a day certain, from which he shall draw by lot a jury of eighteen persons



entirely unconnected with the owner or owners of such land, who, being duly sworn by the Sheriff or his lawful deputy, either of whom is hereby authorised and empowered to administer the oath to the said jurors truly and impartially to value, lay off, and allot to the United States, the 405 59-100 acres of land aforesaid, under their hands and seals, in the presence of such Sheriff or his lawful deputy, who shall deliver the said writ of venire facias, with his return thereon, and the report of the jury, under their hands and seals, within ten days thereafter, to the public register of the county in which such site and lands lie, who shall forthwith register the same, in the records of his office; and thereupon the United States shall, on payment of the valuation to the person or persons to whom such lands belong, or if such person or persons refuse to accept the same, or be unknown, on payment of the same into the public Treasury of this State, therein to await the order or demand of the rightful owner, be seized thereof for the purpose mentioned in this act: *Provided always, and upon express condition*, That such site for the purpose of erecting fortifications, and the annexed land laid off and allotted as above mentioned, shall be so used within five years after the filing of such petition, and be used and occupied continually thereafter for such purposes; otherwise such site and annexed land shall revert to this State.

Proviso.

Officers of this state not to be debarred serving process, &c. in the cess'n. This act to take immediate effect.

III. *And be it further enacted*, That nothing herein contained shall be so construed, as to debar or hinder any of the officers of this State from serving any process or levying execution's within the limits ceded by this act to the United States, in the same manner, and to the same effect, as if this act had never been made.

IV. *And be it further enacted*, That this act shall be in force from and after the ratification thereof.

#### CHAPTER XXVI.

An act to alter the time of the annual meeting of the General Assembly.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the next succeeding General Assembly of this State shall be held on the last Monday in December, one thousand eight hundred and twenty-six, and annually thereafter on the second Monday in January.

#### CHAPTER XXVII.

An act directing the Board of Internal Improvement to make contracts with such persons as may hereafter undertake any of the public improvements in this State, and to take bond and security for the performance of the same.

Works to be let out by contract, and contractors to give bond for the faith-

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That whenever the Legislature shall hereafter direct any public improvement in this State, it shall be, and is hereby made the duty of the Board of Internal Improvements to let the same out by contract, and take from the person or persons so contracting a bond



with good and sufficient security, payable to the Governor for the full performance being and his successors in office, in double the sum paid, or once thereof. contracted to be paid, with the condition, that he, or they will faithfully perform his or their contract, according to the plans and specifications agreed on.

II. *And be it further enacted*, That it shall be the duty of the Board of Internal Improvements to proceed and put into operation, as soon as may be consistent with the public interest, the steam dredging machine, and give the same a fair and perfect trial, so as the better to enable them to make contracts, at any time for clearing out obstructions in any of the streams in the State. Board of Int'l  
Imp't to put  
the dredging  
machine into  
operation.

### CHAPTER XXVIII.

An act to amend and explain the eighth section of an act, passed in the year one thousand seven hundred and eighty-four, entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties within this State to order the laying out of Public Roads."

WHEREAS difficulties have arisen in some parts of this State, and sometimes litigation, in consequence of the before recited section of said act not being more plain and explicit; for remedy whereof, Preamble.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, no white person under the age of eighteen, and over the age of forty-five, and no male slave under sixteen, nor over fifty years of age, shall be held bound or made liable to work on the public roads of this State. At what age  
persons shall  
be liable to  
work on pub-  
lic roads.

II. *And be it further enacted*, That all free persons of colour shall be liable to work on the public roads of this State, under the same rules, restrictions and regulations as male slaves are. Respecting  
free persons  
of colour.

III. *And be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed. Repealing  
clause.

### CHAPTER XXIX.

An act limiting the time in which actions shall be brought on Justices' Judgments.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all actions of debt grounded upon the judgment of a Justice of the Peace, which shall be sued or brought after the ratification of this act, shall be commenced or brought within seven years next after the rendition of such judgment or the test of the last execution lawfully issuing on the same, and not after: Actions to be  
bro't within  
7 years after  
the rendition  
of judgments

II. *Provided nevertheless, and be it further enacted*, That if any person or persons, that is or shall be entitled to an action of debt upon such Justice's judgment, shall be, at the rendition of said judgment or test of the last execution lawfully issuing on the same, within the age of twenty-one years, feme covert, or non compos mentis, or beyond sea, that then such person or persons shall be at liberty to bring said action within three years after arriving at full age, discoverture, or coming of sound mind, or returning from beyond sea. Time within  
which per-  
sons under  
age, feme co-  
vert, non  
compos men-  
tis, or beyond  
sea, may  
bring suit.



CHAPTER XXX.

An act to amend the sixth section of an act, entitled "an act to amend such parts of the act, entitled 'an act for establishing Courts of Law, and for regulating the proceedings therein, as may relate to the proceedings on attachments,' &c. passed in the year one thousand seven hundred and ninety-three.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be the duty of the Clerks of the Superior and County Courts within this State, in all cases of attachment, wherein, by the before recited act they are required to advertise for three months, to make publication for six weeks in some newspaper, and no longer, unless the Court shall otherwise direct.

CHAPTER XXXI.

An act giving further time to the North-Carolina-Catawba Navigation Company to complete the navigation of the Catawba river.

*WHEREAS,* by an act, entitled "an act concerning the Catawba Navigation Company," passed in one thousand eight hundred and sixteen, ten years was allowed said Company to complete the navigation of said river; and whereas the time has nearly expired, and inasmuch as the most formidable obstruction to the navigation is within the State of South-Carolina, the prosecution of the work in North-Carolina was deemed inexpedient until South-Carolina completed her part of the work;

*Be it therefore, enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a further time of ten years, commencing at the expiration of the first ten, shall be allowed to the Catawba Navigation Company, to complete the navigation of the Catawba river, under the same rules, regulations and restrictions, in other respects, as the before recited act prescribes.

CHAPTER XXXII.

An act to authorise the Stockholders of the Dismal Swamp Canal Company to increase their Capital Stock.

*WHEREAS,* it is represented to this General Assembly that the funds provided to complete the Dismal Swamp Canal are inadequate to the object; therefore, for the purpose of obtaining the means necessary to perfect this important improvement,

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful for the President and Directors of the Dismal Swamp Canal Company to open books for subscription of as many additional shares as will increase the Capital of said Company to an amount which may be sufficient to complete the Canal.

*II. Be it further enacted,* That the Stockholders of the said Company for the time being shall have a preference in the subscription of the new Stock by this act authorised to be created, for the first thirty days after the books are opened, but no longer; and the subscribers of such additional shares, shall, and are hereby de-



clared to be from henceforth incorporated into the said Company, tion of the  
upon the same conditions, and with the like privileges of the ori- new stock.  
ginal Stockholders.

III. *Be it further enacted*, That this act shall have no force or This act to  
effect, until it shall have been sanctioned and approved by the be in force  
Stockholders in a general meeting, convened agreeably to the pro- when sancti-  
visions of the charter of said Company, and they shall have deci- oned by the  
ded upon the increase of Capital necessary to carry the object of stockholders  
this act into effect.

IV. *Be it further enacted*, That this act shall be in force from  
and after the ratification thereof.

### CHAPTER XXXIII.

An act giving the assent of the General Assembly of the State of North-  
Carolina to an act of the General Assembly of the Commonwealth of V r-  
ginia, passed on the twenty-ninth day of January, A. D one thousand  
eight hundred and eighteen, entitled "an act to authorise the D smal  
Swamp Canal Company to open a navigable communication between the  
Canal and the nearest navigable part of the North West River, and for  
other purposes."

WHEREAS, at a General Assembly of the Commonwealth of Vir-  
ginia, held in the year of our Lord one thousand eight hundred and  
eighteen, an act was passed by the said General Assembly, with  
the title and in the words following, to wit: "An act to authorise  
the Dismal Swamp Canal Company to open a navigable communi- Preamble.  
cation between the canal and the nearest navigable part of the  
North West River, and for other purposes," passed the twenty-  
ninth of January, one thousand eight hundred and eighteen.

WHEREAS, it is represented to the General Assembly that the  
interest of a large portion of the citizens of this Commonwealth  
and of the State of North-Carolina would be greatly promoted by  
cutting a canal to connect North West River with the Dismal  
Swamp Canal, or by clearing out the said river from its junction  
with the canal to the highest navigable point; and, moreover, that  
the commerce of the Dismal Swamp Canal arising from its present  
sources, together with the probable increase of trade from the im-  
provements contemplated, make it necessary that the President  
and Directors of the said Company should have the privilege of  
constructing other outlets and forming basins and reservoirs to  
contain water for the supply of lacks and accommodation of boats;

*Be it therefore enacted*, That it shall and may be lawful for the  
President, Directors and Company of the Dismal Swamp Canal  
to clear out and render navigable the North West River from its  
junction with their canal to any navigable point of said river, clear out the  
which may by them be deemed expedient and best calculated to, N. W. River,  
confer the benefits of good navigation, or to cut a canal connecting or to connect  
the Dismal Swamp Canal with the North West River, at any point it, by a canal,  
which may be selected by them; and, for these purposes, full pow- with the Dis-  
er and authority is hereby granted to acquire and possess, by mal Swamp  
grant, purchase or condemnation, under a writ of *ad quod dam-* Canal.  
*num*, the land through which the said canal is intended to pass;  
and that, on application to any two Justices of the Peace of the



Damages sus-  
tained by ow-  
ners of lands  
to be valued  
by a jury.

county in which such land shall lie, the said Justices shall issue their warrant, under their hands and seals, to the Sheriff of the county, to summon a jury of eighteen inhabitants of his county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the lands to be valued, on a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the Sheriff, on receiving the said warrant, shall forthwith summon the said jury, and when met, provided that not less than twelve appear, shall administer an oath or affirmation to every jurymen present, that he will fairly, justly and impartially value the lands required to be condemned, and all damages the owner thereof may sustain by cutting the canal through such land, according to the best of his skill and judgment, and that in such valuation, he will not spare any person through favour or affection, nor any person grieve through malice, hatred or ill will; and the inquisition taken thereon, shall be signed by the Sheriff and some twelve or more of the jury, and returned by the Sheriff to the Clerk of his county, to be by him recorded; and on every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said President and Directors and Company to the owner of the land, or his legal representative or representatives; and on payment thereof, the said Company shall be seized in fee of such land, as if conveyed by the owner to them and their successors by legal conveyance.

The contem-  
plated canal,  
&c. vested in  
the Comp'ny  
on the same  
conditions on  
which they  
hold the D.  
S. Canal.

II. *Be it further enacted*, That for and in consideration of the expenses the said Dismal Swamp Canal may incur, not only in cutting the said canal, or clearing out the said river, erecting locks and performing other works necessary for this navigation, but in maintaining and keeping the same in repair, the said canal, locks, causeways and other works, with all their profits, shall be, and the same are hereby vested in the said Company on the same terms and conditions on which they hold the Dismal Swamp Canal and its works; and it shall and may be lawful for the Presi-

The Comp'y  
authorised to  
receive toll  
on said canal.

dent, Directors and Company of the Dismal Swamp Canal to demand and receive on some place on the canal hereby authorised to be cut, or in the Dismal Swamp Canal, (of which this work is intended to form a part,) for all commodities transported through this new canal, or over causeways thereof, tolls after the rate of one third of the amount paid upon the transportation of the like commodities through the main or Dismal Swamp Canal.

The Comp'y  
authorised to  
construct ad-  
ditional out-  
lets, basins &  
reservoirs.

III. *Be it further enacted*, That, for the purposes of improving the navigation of the canal, and rendering it of the greater public utility, it shall be lawful for the President and Directors of the Dismal Swamp Canal, and they are hereby authorised to construct additional outlets, and to form basins and reservoirs for the supply of the locks, and accommodation of boats, navigating the canal, at any point or place thereof which may be selected for that purpose; and that they have power to acquire and hold for the use of



the Company, such quantity of land as may be found to be necessary for these objects, under the same terms and conditions as are enacted for the acquisition of land in the first section of this act.

IV. *Be it further enacted*, That the Dismal Swamp Canal Company, in their corporate capacity, shall be, and are hereby empowered to prescribe the number, the places and manner of constructing bridges that are to cross their canal, to restrain persons from depositing timber and lumber upon the roads of the canal, to the obstruction of travellers, and injury of the embankments thereof, and to make such other regulations and by-laws as shall be found necessary to prevent or correct abuses, and preserve peace and good order among those who pass on this public highway.

V. *Be it further enacted*, That, in case the President, Directors if the Com'y and Company of the Dismal Swamp Canal Company, shall not, fail to commence said at its next general meeting after the passage and confirmation of this law, declare its intention to open and improve the navigation of the North West River, or to cut a canal, connecting those waters with the waters of the Dismal Swamp Canal, or shall fail within two years thereafter to commence the same in the manner provided for by this act, it shall and may be lawful, for either of those purposes, to open books of subscription in the Borough of Norfolk, under the superintendence of Sweepson Whitehead, William C. Holt, Robert B. Taylor, William Commack, Butler Maury, Miles King and Richard Blow, to raise any sum of money that may be deemed requisite, not exceeding fifty thousand dollars, in shares of one hundred dollars each; and when the subscription shall be completed, there shall be a general meeting of the subscribers on such day and at such place as a majority of the said subscribers shall appoint, notice of which meeting having been given for three weeks in some newspaper printed in Norfolk. If a majority of the shares subscribed for be represented in this general meeting, the Company shall thenceforth be incorporated and styled "The North West River Company," and shall then, and annually thereafter, there being at such subsequent meeting a majority of the shares represented, proceed to the choice of a Company." President and four Directors, and such officers, agents and servants, as may be necessary for commencing, prosecuting and conducting said work.

VI. *Be it further enacted*, That the subscriptions to this Company shall be made payable at such periods and in such proportions as the President and Directors, or a majority of them, shall direct; and in case of the failure of any subscriber or subscribers to comply with the orders or requisitions of the said President and Directors in this respect, the share or shares of him or them so failing may be sold at public auction for ready money, (after publishing, for ten days, notice of the time and place of sale of such share or shares, in some newspaper of the Borough of Norfolk,) and a transfer thereof in fee simple made to the purchaser or purchasers; and if, after the sale of such share or shares, there shall still remain a balance due thereon, the same may be

The Comp'y empowered to prescribe the number, location, &c. of bridges across the canal, and to make by laws

if the Com'y fail to commence said works within 2 years, subscriptions to be opened at Norfolk for that purpose.

When said subscription is completed, the company to be organized under the title of "The North West River Company."

Shares, on which subscriptions have not been paid, to be sold at auction.



recovered with costs (upon ten days' previous notice) of the subscriber or subscribers of such share or shares, his or their executors or administrators.

VII. *Be it further enacted*, That it shall and may be lawful for the North West River Company to demand and receive, for the transportation of any article through its canal, one third of the price which the Dismal Swamp Canal Company might lawfully charge for the transportation through it of the like article.

VIII. *And be it further enacted*, That the condemnation of land necessary for the purposes of this Company, the transfer of shares, the appointment of directors, officers, agents and servants, and all other necessary acts and things to be done for the government of the Company, shall be after the manner and upon the principles of the charter of the Dismal Swamp Canal Company. This act shall commence and be in force from and after the confirmation of the same by the Legislature of the State of North-Carolina.

*Now, therefore, be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the assent of the State of North-Carolina be, and the same is hereby given to the above act in as full and ample a manner as if the said act had been passed by the General Assembly of this State.

#### CHAPTER XXXIV.

An act to repair and improve the Road leading from Columbia, in Tyrrell County, to Gumneck and Frying Pan.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Charles Hoskins, Dempsey Liverman, John A. Patrick, and Benjamin Sykes, be, and they are hereby appointed Commissioners to view and point out such improvements and repairs on said road, as they or a majority of them shall deem most advantageous to the public interest, and reduce the same to writing under their hands and seals.

II. *Be it further enacted*, That the said Commissioners, or a majority of them, shall have power to contract for letting out, repairing, and improving said road, in such way and on such terms and conditions as they, or a majority of them, shall deem necessary for the faithful and speedy completion of said road.

III. *Be it further enacted*, That it shall be the duty of the said Commissioners to report to the Board of Internal Improvement, at their next annual meeting in December next, all the vouchers, contracts or acts, which they have made or done, in order to carry the provisions of this act into effect.

IV. *Be it further enacted*, That all the expenses incurred in repairing and improving the said road in the manner directed by this act, not exceeding the sum of eight hundred dollars, shall be paid out of the fund set apart for Internal Improvement by the Board thereof, whenever a sufficiency of the monies of the said fund shall become due and paid into the Treasury.

V. *Be it further enacted*, That it shall be the duty of said Com-

The concerns of said comp'y to be conducted agreeably to the charter of the D'1 Sw'p Canal Company.

Assent of N. Carolina given to the foregoing act

Commissioners.

Commissioners to contract for repairing and improving said road.

Commissioners to report to the Board of Internal Imp't.

\$800 dolls. appropriated.



Commissioners, or a majority of them, to advertise at least thirty days, at the court-house of said county, and three other public places, the time and place of letting out said work; and they are hereby required to take bond and security from the contractors for the faithful execution of said work.

VI. *And be it further enacted*, That upon the death, resignation, or refusal to act of either of the Commissioners afore-said, a majority of the Justices of said county being present shall be authorised and empowered to fill such vacancy or vacancies thereby occasioned.

Commissioners to advertise the letting out of said work, & take bond, &c.  
Vacancies of Commissioners, by death, &c. to be filled by the Justices.

### CHAPTER XXXV.

An act to encourage the publication of a Historical and Scientific Work on this State.

WHEREAS, it is represented to this General Assembly by Archibald D. Murphey, of the county of Orange, that he hath been for several years engaged in collecting and arranging materials for an extensive historical and scientific work on this State, and that the completion of said work requires the aid of the General Assembly; and whereas the publication of such a work is much desired, and would be useful and creditable to the State;

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the said Archibald D. Murphey be, and he is hereby authorised to raise by way of Lottery, from time to time, the sum of fifteen thousand dollars, for the prosecution and completion of said work.

II. *And be it further enacted*, That the said Archibald D. Murphey have liberty to examine the public records in the Executive Office, and in the Offices of Secretary of State and Comptroller, and also the files of the Senate, and of the House of Commons of the General Assembly, and to make therefrom such extracts as he may think proper.

III. *And be it further enacted by the authority aforesaid*, That it shall not be lawful, under any pretence whatever, to have more than three classes or drawings of the said Lottery, for the purpose of raising the sum required by this act.

Preamble.

A. D. Murphey authorised to raise 15,000 dolls. by lottery.

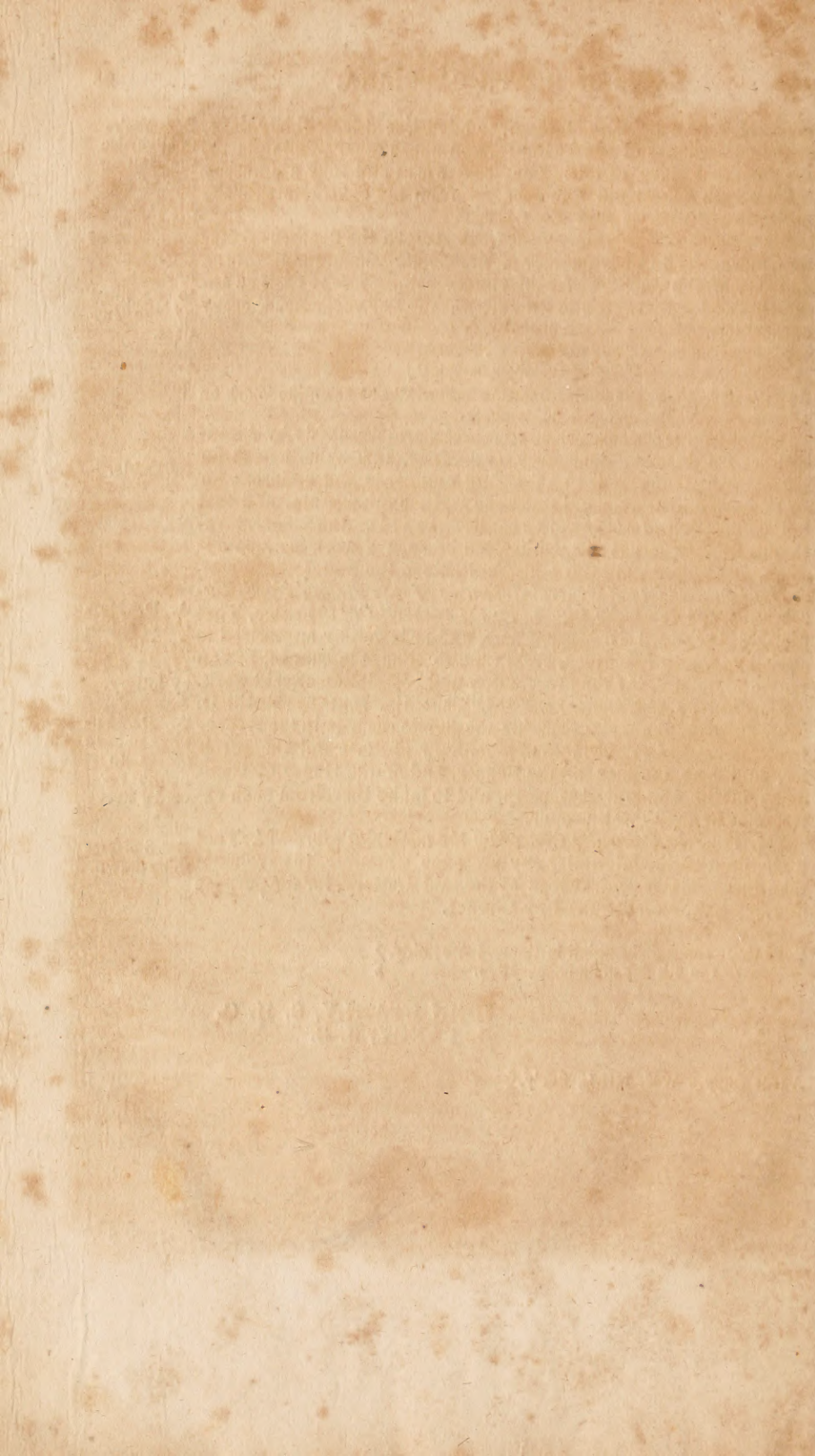
A. D. Murphey to have access to public records, &c.

But 3 classes to be drawn.

Read three times and ratified in General Assembly, 2  
the 4th day of January, 1826. 5

JOHN STANLY, S. H. C.  
B. YANCY, S. S.

A true Copy. WM. HILL, Sec'y.





## PRIVATE ACTS.

---

### CHAPTER XXXVI.

An act to repeal in part the several acts of the General Assembly, respecting the sales of land and slaves under execution, so far as regards the county of Gates.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the acts of one thousand eight hundred and twenty, one thousand eight hundred and twenty-one, and one thousand eight hundred and twenty two, directing the manner in which property levied on by Sheriffs and Constables shall be sold, be, and the same is hereby repealed, so far as relates to the county of Gates, excepting only such executions as may issue from any other county; which executions shall be collected in manner as heretofore prescribed.

---

### CHAPTER XXXVII.

An act to change the time of laying the County Taxes of Craven county, and appointing receivers of lists of taxables in said county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the taxes to be laid for county purposes by the Court of Pleas and Quarter Sessions of Craven county, shall hereafter be laid at the February Sessions of said Court, under the same rules, regulations and restrictions as by law now are or may be prescribed.

II. *Be it further enacted,* That the appointment of Justices to receive the list of taxables in the county of Craven, shall be made at the February Sessions of said Court.

---

### CHAPTER XXXVIII.

An act to incorporate Morning Star Lodge, in the town of Nashville, Nash county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Master, Wardens, and Members, who at present are, or in future may be, of Morning Star Lodge, number eighty-five, Nashville, Nash county, are hereby constituted and declared a body corporate and politic, under the name and title of "Morning Star Lodge, number eighty-five," and, by that name, shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, acquire and hold, alien, and transfer property, and pass all such rules, regulations and bye-laws, as shall not be inconsistent with the constitution and laws of this State, or of the United States; and in all things to enjoy and exercise the powers and privileges usually belonging and appertaining to corporations aggregate.

---

### CHAPTER XXXIX.

An act to alter the time of holding the Superior Courts of Law and Equity for the counties of Halifax and Northampton.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Superior Courts of Law and Equity hereafter to be held for the county of Halifax, shall be held on the fourth Monday after the fourth Monday in March and September, in each and every year; and the Superior Courts of Law and Equity hereafter to be



held for the county of Northampton shall be held on the fifth Monday after the fourth Monday of March and September in each and every year; to which times respectively all pleas, process and proceedings, pending in the said Courts, shall be made returnable, and stand adjourned accordingly.

#### CHAPTER XL.

An act to annex a part of the lower Regiment to the second Regiment, in Robeson county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the lower Regiment in the county of Robeson as is included between the Raft swamp and M<sup>c</sup>Phaul's mill swamp, and all that part of the same regiment that lies west of the road leading from Hunter's bay, by M<sup>c</sup>Alpin's mills, to the Lumberton road, on the south side of Richland swamp, thence up the said road to the Lowrie road, be annexed to the second Regiment in said county; and that the militiamen that are, or may be inhabitants thereon, shall in future be under the laws and military regulations of the second Regiment, and not otherwise.

#### CHAPTER XLI.

An act authorising the Court of Pleas and Quarter Sessions of the county of Bladen to appoint Commissioners to lay off Turnbull Creek, in said county, into districts, for the purpose of being worked on and rendered navigable.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That at the first term of the Court of Pleas and Quarter Sessions of the county of Bladen, which shall happen after the first day of January, one thousand eight hundred and twenty-six, it shall be the duty of said Court, and they are hereby required (seven Magistrates being present) to appoint three commissioners to lay off Turnbull Creek, from Fort's Ford to M<sup>c</sup>Junis' Mill, into convenient districts, for the purpose of being worked on and rendered navigable.

II. *And be it further enacted,* That it shall be the duty of said commissioners to lay off said districts, and make return of their proceedings to the succeeding term of said Court; at which term the said Court shall appoint overseers of said districts, whose duty it shall be to call out all the working hands within four miles on each side of said Creek, to work on the same; and the duties of said overseers, in all other respects, shall be the same, and they shall be subject to the same penalties, regulations and restrictions as are now imposed by law on the overseers of roads.

III. *And be it further enacted,* That the hands so called out, on failure to attend and work on said Creek, shall be subject to the same fines and forfeitures as are now prescribed by law, for neglecting to work on the public roads.

#### CHAPTER XLII.

An act to alter the name of Edward Newton Daniel, of Rowan county, and to legitimate him.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Edward Newton Daniel, of the county of Rowan, the illegitimate son of Turner Southall Parker, shall hereafter be known and distinguished by the name of Edward Newton Parker; and by that name shall be made capable to sue and be sued, plead and be impleaded, in any Court within this State; and that name shall be legitimated and made capable to take, inherit, possess and enjoy any estate, real or personal, which may be devised or descend to him, in as full and ample a manner,



to all intents and purposes, as if the said Edward had been born in lawful wedlock: any law to the contrary notwithstanding.

### CHAPTER XLIII.

An act supplemental to an act, passed at this session of the General Assembly, entitled, "an act to provide for the better government of the town of Wadesborough, in Anson county."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the before recited act, and this act shall be in force, from and after the ratification thereof.

### CHAPTER XLIV.

An act to secure to Elizabeth Witherspoon, of Wilkes county, such property as she may hereafter acquire.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, Elizabeth Witherspoon, of the county of Wilkes, wife of David Witherspoon, be, and she is hereby entitled to hold, possess and enjoy, in her sole right, all such estate, either real or personal, as she may hereafter acquire, by industry, purchase, gift or otherwise, in as full and ample a manner as if she had never been married to her husband David Witherspoon herein named, free and clear from the claims of her said husband, or any of his creditors; and she shall have full power and authority to prosecute or defend any suits, either in law or Equity, in her own name, in the same manner as if she had never been married to her said husband; any law to the contrary notwithstanding.

### CHAPTER XLV.

An act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John Moore, of Rutherford, and George D. Philips and William Spann, of Buncombe county, be, and they are hereby appointed commissioners to view and lay off, on the best ground the intervening country will afford, a Turnpike Road from David Jackson's, in Rutherford county, crossing the Blue Ridge at or near Mill's Gap, to intersect with the Saluda Road, near Thomas Murray's, in Buncombe county.

II. *Be it further enacted,* That said road so laid off shall be vested for twenty years in Samuel Edney, Asa Edney, and Thomas Case, on the following conditions, to wit: First, that said Samuel Edney, Asa Edney, and Thomas Case shall open and make said road twenty feet in width, clear of obstructions, (except where side cutting may be necessary. in which case the road shall be twelve feet wide;) Second, said Edneys and Case shall construct all necessary bridges at least ten feet wide; the declivities of said road shall not exceed one foot perpendicular to eight feet horizontal, and recurrence shall be had to this steepness as seldom as possible.

III. *Be it further enacted,* That upon the said Samuel and Asa Edney and Thomas Case making it appear to the satisfaction of said commissioners, that the said road is fully completed agreeably to the specifications contained in the second section of this act, then said Edney, Edney and Case shall be authorised to erect a gate, and receive the following tolls, to wit: For a man and horse, twelve and a half cents; for loose horses and mules, six and a quarter



cents each; for hogs and sheep, one cent each; for beef cattle, five cents per head; for road waggons, one dollar each; for four wheel pleasure carriages, one dollar each; and for carriages and vehicles of every other description, fifty cents each: *Provided*, that no person or property crossing the mountain at Cooper's Gap, shall be liable to pay more than half the tolls imposed by this act.

IV. *Be it further enacted*, That the said John Moore, George D. Philips and William Spann, shall, upon oath taken before any Justice of the Peace, have full power and authority to assess the damages any person may sustain by the roads being laid off through their land; and such damages so assessed, shall be paid by the said Samuel Edney, Asa Edney and Thomas Case.

V. *Be it further enacted*, That should either of the commissioners appointed by this act, die, remove or refuse to act, his or their place shall be filled by the appointment of others by the Superior Court of Buncombe county; which commissioner or commissioners thus appointed, shall have all the authority and powers of the commissioners appointed by this act: *Provided, nevertheless*, that vacancies shall always be filled, so that one commissioner shall reside in Rutherford, and two in Buncombe county.

VI. *Be it further enacted*, That it shall be the duty of the said commissioners, under the penalty of fifty dollars, recoverable before any tribunal having cognizance thereof, one half to the use of the county, the other half to the use of the person suing for the same, to make report in writing of the situation and condition of the said road to the grand jury of each and every Superior Court in the counties of Buncombe and Rutherford; and for all services rendered under this act, the said commissioners shall receive of the said Edneys and Case, a compensation at the rate of two dollars for each and every day spent in performing the same.

VII. *And be it further enacted*, That the twenty years during which this road is vested in the aforesaid Samuel Edney, Asa Edney and Thomas Case, shall be computed from the time that the road is put in the state of improvement contemplated by this act: *Provided, nevertheless*, that if said road shall not be constructed within two years from the passage of this act, all the privileges granted to the said proprietors shall cease.

## CHAPTER XLVI.

An act concerning the town of Oxford.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thomas B. Littlejohn, Thomas Booth, William V. Taylor, David Mitchell and Rhodes N. Herndon, be, and they are hereby appointed commissioners of the town of Oxford; and, in that capacity, they, or a majority of them, shall have and exercise all the powers and authority vested in the commissioners of said town in and by virtue of the acts of this Legislature, passed at its session in one thousand eight hundred and sixteen, chapter forty-fifth, and at the session of one thousand eight hundred and eighteen, chapter one hundred and second, under the same rules, regulations and restrictions as are prescribed in said acts; and they shall continue in office until the election and qualification of other commissioners, as directed by this act.

II. *And be it further enacted*, That in future the commissioners of said town shall be annually elected, in the manner and by the persons as prescribed in the before recited acts, on the first Monday in May; and, in case



of a failure to make such election, it shall be held on the first Monday of June following.

III. *And be it further enacted*, That every part of the before recited acts, which are repugnant to the provisions of this act, be repealed.

IV. And whereas it appears, by petition to this Legislature from sundry inhabitants of said town, that they desire an act of incorporation of the same; *Therefore be it enacted by the authority aforesaid*, That the commissioners of said town be, and they are hereby empowered to extend the limits of said town, so as to include all the adjoining improved lots, and to extend the streets and annex such other adjoining lots, as well improved as unimproved, as shall be deemed proper by them; two fair plats of which shall be made out and signed by them, and one presented to the Court of Pleas and Quarter Sessions of Granville county, who shall cause the same to be recorded and registered, and the other copy shall be inserted in the minutes of the proceedings of the said commissioners, and filed among their papers.

#### CHAPTER XLVII.

An act to revive and continue in force the provisions of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough," and to amend the same.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That James Barnet, William Hughes, William P. Dobson, and James Martin be, and they are hereby appointed commissioners, and, as such, are authorised and empowered to survey and lay out a road along the most convenient route from the town of Leaksville, in Rockingham county, by Germanton, in Stokes county, and by Rockford, in Surry county, to the town of Wilkesborough, and to appoint overseers of the different parts of said road to open and keep the same in repair; and such appointment shall be in writing, signed by at least two of the said commissioners, and shall give to the respective overseers all the powers and authorities, subject them to the same liabilities and penalties, and place them upon the same footing as other overseers of public roads; and all persons living within three miles of the said road so laid out and marked by the commissioners, who by law are not exempted from working on the public highways, shall be bound to assist in opening said road; which, when opened, shall be subject to the same rules and restrictions as are now prescribed by law for keeping in repair all other public roads in this State.

II. *Be it further enacted*, That the said commissioners, or a majority of them, shall file with the Clerk of the Court of Pleas and Quarter Sessions for each county, through which the said road shall be laid out, a chart of the said road, with a list of the overseers appointed in each county, and set forth the points between which each overseer shall be bound to work; and such list shall be deemed and taken, upon all trials in the Courts of Justice and before a Justice of the Peace, good evidence of the appointment of such overseers as are named therein.

III. *Be it further enacted*, That the said commissioners, or a majority of them, shall keep an account of the expenses incurred by them in making the aforesaid surveys, and therein distinguish, as near as may be, the expenses incurred in each county through which the said road shall be laid out, and shall render said account to the Courts of Pleas and Quarter Sessions of each of



the said counties; which Courts are hereby authorised to order the County Trustee to pay their respective portions of said expense, including a reasonable compensation to the said Commissioners for their trouble and loss of time.

IV. *Be it further enacted*, That all laws and clauses of laws, coming within the meaning and purview of this act, be, and they are hereby repealed.

### CHAPTER XLVIII.

An act for the better regulation of the town of Beaufort.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That an election shall be held in the town of Beaufort, on the first Monday in May, and annually thereafter on the first Monday in May, to elect five freeholders in said town, residents of said town, to act as commissioners thereof for the term of one year.

II. *And be it further enacted*, That it shall be the duty of the sheriff of the county of Carteret to advertise the time of holding the election for commissioners ten days previous thereto; and the sheriff shall summon two freeholders, residents of the town, who, together with himself or his deputy, shall hold the poll at the court house in said town, and shall keep the poll open from twelve o'clock until sundown; and it shall be the duty of the sheriff to serve the commissioners elected with a notice of their election, within five days after the day of election; and in failure of any of the abovementioned duties enjoined on the sheriff, he shall, on conviction before any court having competent jurisdiction, forfeit and pay a penalty of twenty-five dollars; and each freeholder refusing or neglecting to assist the sheriff in holding the poll, shall be subject to a penalty of five dollars, to be recovered in like manner; and the penalties, when collected, shall be paid into the hands of the treasurer of the town, to be applied, under the direction of the commissioners, for the improvement of the town.

III. *And be it further enacted*, That the commissioners so elected shall, within twenty days after the election, meet at the court house, and be qualified before a magistrate. Any person who shall, after being duly elected and noticed by the sheriff, refuse to qualify and serve as commissioner, shall forfeit and pay a penalty of twenty-five dollars, to be recovered and applied in the manner aforesaid.

IV. *And be it further enacted*, That the commissioners of said town, at their first meeting, and at the first meeting after their annual election, shall appoint some one of their body to act as Intendant of Police of said town until the succeeding election, whose duty it shall be to see the ordinances duly and faithfully executed, and he is hereby authorised to issue his warrant, directed to the sheriff or a constable of Carteret county, to bring the offenders against the rules, regulations, and ordinances of said town before him; and, on their conviction, which shall be in the manner of trials before justices of the peace, the said intendant is hereby authorised to give judgment and execution, agreeably to the laws established for the improvement and government of said town.

V. *And be it further enacted*, That the said commissioners shall not, for any one breach of their ordinance, have power to levy a greater penalty than ten dollars; and all fines levied and collected under their authority shall be for the use of said town.

VI. *And be it further enacted by the authority aforesaid*, That the said commissioners, after they have been qualified, shall proceed to choose one out of their number to be treasurer of said town for that year, into whose hands all



monies becoming due to said town shall be paid, and there kept, until otherwise disposed of for the benefit and improvement of said town, as the said commissioners, or a majority of them, shall direct. The said treasurer, before he enters upon the execution of his office, shall take an oath to discharge his duty faithfully, and give a bond for five hundred dollars, with two sufficient securities, to the commissioners of said town, for the faithful discharge of his office. The commissioners of said town shall also choose and appoint a proper person to be their clerk, to act as such during their pleasure; whose duty it shall be to record the proceedings of the commissioners, take care of all the journals, books and papers, belonging to said town; to which journals, books and papers, all persons shall have free access, on paying two shillings, under the penalty of forty shillings, to be paid by the clerk for every refusal; and the commissioners of said town shall allow said clerk such compensation as they deem just and adequate for his services; and said clerk shall take an oath to discharge the duties of his office faithfully.

VII. *And be it further enacted by the authority aforesaid,* That the commissioners of said town, or a majority of them, are hereby authorised and empowered some time in the month of July, annually, to lay any tax, not exceeding twenty cents on each hundred dollars value of all the taxable property in said town, and a tax not exceeding fifty cents on each poll, for the purpose of defraying the contingent charges thereof; and all those subject to taxes shall give in lists of their taxable property and polls within the first twenty working days in the month of June, annually. Those failing to give their lists, shall be subject to a double tax. The commissioners shall annually appoint, in the month of May, some one of their board to receive the lists of taxables, whose duty it shall be to advertise at the court house, and two other public places; the times and places at which he will attend to receive said lists of taxables.— Any person who shall be appointed to receive the lists of taxables as above mentioned, and fail to perform the duties of said appointment, shall forfeit and pay a penalty of one hundred dollars, to be recovered in like manner as the penalties aforementioned, and applied to the use of the town; and the lists of taxables so taken, shall be handed over to the clerk of the town on or before the last day of June.

VIII. *And be it further enacted by the authority aforesaid,* That the town clerk shall make out a tax list, record it in the town books, and furnish the collector a true copy of said tax lists, on or before the first day of August; and on failure of the town clerk to perform any of the duties above required of him, he shall forfeit and pay a penalty of one hundred dollars.

IX. *And be it further enacted by the authority aforesaid,* That every person owner and occupant of town lots, shall give in the number of said lots, and the value thereof; which valuation shall not be less than that affixed to the county tax list for that year.

X. *And be it further enacted by the authority aforesaid;* That the commissioners, or a majority of them, shall annually, at the time of appointing the receiver of tax lists, nominate and appoint a proper person to collect the taxes, to whom shall be delivered a fair copy of the list of taxable property, and taxes levied for that year agreeably to this act; and the person so appointed, before he enters upon the duties of his office, shall, before some Justice of the Peace, take an oath to discharge his duty faithfully, and enter into bond, with sufficient security, in the sum of five hundred dollars, lawful money of



the State, to the commissioners of the town and their successors; and the collector so appointed is hereby empowered, directed, and required to collect said taxes, and pay the same to the treasurer of said town on or before the tenth day of October in every year, after deducting five per centum commissions for his trouble in making the said collection; and if any such collector shall neglect or refuse to account for on oath, and pay the several taxes where-with he is chargeable, according to the directions of this act, it shall and may be lawful for the Superior or the County Court of Carteret county, on motion of the commissioners, or the majority of them, or on motion of the treasurer of the town, on their behalf, to give judgment against such collector and his securities for all monies wherewith he shall or may be chargeable to the town, with costs of suit, and thereupon to award execution against the body, or against the goods and chattles, lands and tenements of such collector, and his securities: *Provided always*, that the collector and his securities, if judgment be prayed against them, shall have ten days previous notice of such motion.

XI. *And be it further enacted by the authority aforesaid*, That if the inhabitants of said town, or others being liable by this act, shall neglect or refuse to pay the said tax on or before the first day of September in every year, it shall and may be lawful for the collector to levy the same by distress and sale of the offenders' goods and chattles, lands and tenements, and shall receive for his trouble one dollar for each distress of goods and chattles, and for each sale of lands and tenements, including the cost of advertising, the sum of two dollars, and no more, and the said collector shall advertise goods and chattles at least ten days previous to the sale at the court house, and two other public places, in the town of Beaufort; and lands and tenements shall be advertised four weeks previous to the sale in a public newspaper, nearest to the town of Beaufort, and also at the court house in Beaufort; and, after deducting the taxes due and fees for distress, the overplus of monies arising from such sales shall be returned to the owner: *Provided*, that the former owners of lands and tenements shall have twelve months to redeem the same, from the day of sale, on repaying to the purchaser the amount of his money, and twenty-five per centum in addition thereto, and to the collector of the town the expenses of distress and sale.

XII. *And be it further enacted by the authority aforesaid*, That the commissioners for the time being shall have full power and authority to give deeds in fee simple to the purchasers of lands and tenements sold for taxes; and that said lands shall be laid off, sold, and surveyed in the same manner as lands are now sold by the sheriffs for taxes, except as to the length of time for advertising; and all sales of property by the collector for the town shall be made at the court house between the hours of ten o'clock in the morning and two o'clock in the evening.

XIII. *And be it further enacted by the authority aforesaid*, That from and after the next May Term of Carteret County Court, no person shall keep an ordinary or store for retailing spirituous liquors, or retail the same by the small measure, in the town of Beaufort, until he or she shall have first applied to the commissioners appointed for the government of said town, and have obtained from them a certificate of their recommendation for that purpose, which recommendation shall be valid and in force for the term of one year from the time it is granted, and no longer; and every person who shall keep an ordinary, or who shall retail spirituous liquors by the small measure, in the



town of Beaufort, after the said May Term aforesaid, without having first obtained license and recommendation of the commissioners as aforesaid, shall forfeit and pay the sum of ten dollars, to be recovered in an action of debt before any court having competent jurisdiction thereof, by any person or persons who shall within one year after the offence committed sue for the same, the one half to the use of the prosecutor or prosecutors, the other half to the use of the town. Every retailer of spirituous liquors by the small measure in the town of Beaufort, shall pay an annual tax of two dollars to the commissioners of said town, to be applied as before mentioned for the contingent expenses thereof; and every retailer of dry goods and groceries, either or both, shall pay an annual tax of two dollars to the commissioners of said town; which said taxes shall be collected by the town collector, at the same time with the other taxes beforementioned.

XIV. *And be it further enacted*, That upon complaint made to the commissioners, or to the Intendant or Magistrate of Police of the town of Beaufort, of any ordinary keeper, or retailer of spirituous liquors by the small measure as aforesaid, within the bounds thereof, selling to or purchasing from a slave, without a permit from his or her owner, or of entertaining a servant or slave, against the will of his or her owner, or of entertaining a common sailor, against the direction of the master of the vessel to which he may belong, or of keeping a disorderly house, it may and shall be lawful for the said commissioners, or a majority of them, or for the intendant or magistrate of police alone, and he or they are hereby authorised and required to summon such ordinary keeper, or retailer as aforesaid, before him or them, and on such offence being proved, to disable such person from keeping an ordinary or retailing spirituous liquors by the small measure in said town, as if he or she had never obtained any permission or license for that purpose; and if after such disability and suspension pronounced, any such person shall keep an ordinary or retail spirituous liquors by the small measure within said town, he or she shall be subject to the same penalty as is denounced against those who sell without having first obtained permission from the commissioners of said town.

XV. *And be it further enacted*, That the commissioners of the town, so chosen and being qualified according to the directions of this act, shall be, and are hereby incorporated into a body politic and corporate, by the name of the Commissioners of the town of Beaufort, and by that name to have annual succession, by the election of the freeholders and freemen of said town, and a common seal; and that they and their successors, by the name aforesaid, shall be able and capable in law to have, purchase, receive, enjoy, possess, and retain to them, and their successors forever, in trust and confidence for the said town, any lands, rents, tenements and hereditaments of what kind, nature or quality soever; and also to grant, sell, alien or dispose of the same; also to receive and take any gifts or donations whatsoever to the said town; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever, and from time to time, and at all times hereafter, under their common seal, to make such rules, regulations and ordinances, as to them shall seem meet, for repairing the streets, erecting public wharfs, appointing market places, and regulating the same, erecting public pumps, and keeping in repair those already erected, appointing town watches or patrols, and making proper allowances for such services, and for the removal of public nuisances, and for all such other necessary ordinances, rules and



orders, which may tend to the advantage, improvement and good government of said town, not inconsistent with the laws and constitution of the State; and the same rules, regulations and ordinances, from time to time, to alter, change and amend or discontinue, as to the said commissioners, or a majority of them, shall appear necessary and best to answer the purposes intended for regulating and governing the said town; and also shall have full and ample power to enforce a compliance and observance of such necessary regulations, by imposing fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding the sum of ten dollars for any offence, to be recovered by warrant under the hand and seal of the intendant or magistrate of police, or some justice of the peace of the county of Carteret, directed to the sheriff, deputy sheriff, or some constable of the town or county, to bring such delinquent before such intendant of police, or justice of the peace; and, on conviction, the said intendant of police or justice is hereby required to give judgment and award execution, which the said officer is hereby required to execute by distress and sale of the offender's goods and chattels; which fine, when levied and received, shall be paid into the hands of the treasurer of the town, as part of the common stock of the town, and by him to be accounted for; and the commissioners, or a majority of them, are hereby invested with full power and authority to lay out and appropriate all monies which shall be paid into the treasury of the said town, by virtue of this act, as they shall think most for the good of the said town.

XVI. *And be it further enacted*, That in case any commissioner of the town of Beaufort, elected agreeably to the provisions of this act, shall remove from town, die, or refuse to act, the remaining commissioners shall elect a freeholder of said town to act as commissioner until the annual election, who shall have the same powers, and be subject to the same penalties, as the other commissioners who are elected at the annual election.

XVII. *And be it further enacted*, That every freeholder, and every free white man of the age of twenty-one years, who has resided twelve months in town, and paid a public tax, shall be entitled to vote for commissioners of said town.

XVIII. *And be it further enacted*, That the commissioners of said town shall annually publish an account of their receipts and expenditures, within twenty days of the annual election of commissioners; and said accounts shall be posted up at the court house, signed by the treasurer and countersigned by the clerk of the town; and on failure of the commissioners to publish their accounts as above required, they shall forfeit and pay a penalty of fifty dollars, to be recovered in any court having competent jurisdiction, one half shall go to the prosecutor, the other half shall be paid to the treasurer of the town, for the benefit thereof.

XIX. *And be it further enacted*, That from and after the passage of this act, it shall not be lawful for any one to enter vacant lots in the town of Beaufort; but it shall be the duty of the commissioners of said town, from time to time, as they deem most for the benefit of said town, to advertise such part of the vacant lots belonging to the town as they may think advisable to sell, for four weeks before the day of sale, in one of the public newspapers nearest said town, and then sell the same at public auction to the highest bidder, and execute deeds for the same to the purchasers; and all monies arising from the sale of such vacant lots shall be paid over to the treasurer of the town of Beaufort, to be appropriated by the commissioners of said town for the improvement thereof.



XX. *And be it further enacted*, That the inhabitants of the town of Beaufort are hereby entirely exempted from working on the streets of said town, and on the public highway in the county of Carteret; any law to the contrary notwithstanding.

XXI. *And be it further enacted*, That the commissioners of the town of Beaufort shall have full power and authority to make covered drains through the streets and lots of said town for draining of all stagnant waters which have, or may accumulate in any part of said town, and the expense of such drains shall be paid out of any monies in the treasurer's hands, by drafts from the commissioners, for amount of said labour. The commissioners, or a majority of them, shall lay off and designate the route of said drains through the streets and lots: *Provided always*, that if any person, through whose lot it is deemed necessary to run a drain, shall object or refuse to permit such drain to pass through his or her lot, the commissioners shall petition the next County Court to appoint twelve freeholders of said town, and it is hereby declared to be the duty of the court to make such appointment, who shall go upon the said lot and lay off the course of said drain and assess the damages, if any, arising from the passage of such drain through the said lot; which damages shall be paid by the commissioners out of any funds in the hands of the treasurer of said town; a copy of which petition shall be served upon the proprietor of such lot, if known, at least ten days before the court at which such petition is filed.

XXII. *And be it further enacted*, That if any free white person or free negro shall be guilty of destroying or stopping up any drain made by the commissioners as aforesaid, he or she shall, on conviction before the intendant of police or any justice of the peace of the county of Carteret, forfeit and pay a fine of ten dollars; or such offender may be indicted for such offence in the County or Superior Court, and, on conviction, shall be fined or imprisoned at the discretion of the court; and if a slave shall be guilty of the like offence, he or she shall, on conviction, be punished not exceeding thirty-nine lashes on his or her bare back at the public whipping post.

XXIII. *And be it further enacted*, That it shall be the duty of the commissioners of the town of Beaufort, in the month of February ensuing, to lay off eight lots in uninhabited part of said town, for a public burying ground; and they shall lay off four of said lots in suitable squares for families, and sell them at public auction to the inhabitants of said town; and the monies arising from such sales shall be appropriated by the commissioners to defray the expense of fencing and planting the said burying ground with trees; and the remaining four lots shall be a common burying ground for all persons whatsoever; and any person or persons who shall be guilty of interring any corpse in the old burying ground in the central part of the town, where the old church stands, after such new burying ground shall be laid off, shall, on conviction before the intendant of police, pay a fine of ten dollars for each and every offence, to be recovered and applied as other fines and penalties mentioned in this act, unless such interment shall, under special circumstances, be specially authorised and permitted by the commissioners of the town.

And whereas, by encroachment of the sea, the front street of the town of Beaufort is in many parts reduced in width, and the convenience of the inhabitants requiring that other parts of the street should occasionally be used for the deposite of lumber and other articles, and for building of ships;

XXIV. *Be it, therefore, further enacted*, That the commissioners of said



town may designate the part or portion of said front street to be kept open for passage of carts, carriages and persons, and may also grant permission to persons to deposite any articles, or to build vessels in other parts of said street; and if any person shall obstruct any part of the said street, so directed to be kept open, or shall, without permission of the commissioners, encroach upon the part not so directed to be kept open, by depositing thereon any lumber or other articles, or building any ship or erecting any house or shed thereon, such persons so offending shall be subject to a fine of ten dollars, to be recovered as other fines are by this act directed, or, at the option of the commissioners, may be prosecuted by indictment in any court of Carteret county for a nuisance, and, on conviction, be fined or imprisoned at the discretion of the court.

XXV. *And be it further enacted*, That all acts and parts of acts coming within the purview of this act, be, and they are hereby repealed.

### CHAPTER XLIX.

An act to amend an act, passed in the year 1814, entitled "an act for the better regulation of the town of Wilkesborough, in the county of Wilkes."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, it shall be the duty of the sheriff of the county of Wilkes to hold an election for commissioners of the town of Wilkesborough, on the first Monday after the fourth Monday in January in each and every year, under the same rules, regulations and restrictions as are prescribed in the above recited act.

II. *Be it further enacted*, That in case the sheriff shall fail to hold the election as above directed, it shall and may be lawful for any two freeholders, residents of said town, to hold said election at any time after such failure, first having given ten days public notice at the court house in said town, and shall declare the result thereof, which shall be as good and valid to all intents and purposes, as if the said election had been holden by the sheriff aforesaid.

III. *And be it further enacted*, That the commissioners of said town shall have power and authority to raise by subscription or taxation (not exceeding the amount specified in the above recited act) a sufficient sum of money to enclose the public square in said town; and the said commissioners are hereby authorised and empowered to enclose the said public square in such manner as they may deem expedient, leaving a sufficient quantity of ground on the outside of said enclosure to answer the common public purposes of the citizens of said county.

VI. *Be it further enacted*, That so much of the above recited act as comes within the meaning and purview of this act, be, and the same is hereby repealed.

### CHAPTER L.

An act concerning stakes in Neuse River below Newbern, and in Core Sound, in Carteret county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in future all such persons as have, or shall put down stakes in Neuse River below Newbern, or in Core Sound, in Carteret county, for the purpose of fishing for shad, shall remove the same out of the river on or before the fifteenth day of April in each and every year; and in case any person or persons shall fail to comply with the



provisions of this act, he, she or they shall forfeit and pay for each and every neglect in so doing the sum of twenty dollars, to be recovered before any jurisdiction having cognizance thereof.

II. *And be it further enacted*, That if any slave shall violate the provisions of this act, and being lawfully convicted thereof, shall receive on his or her bare back not less than twenty lashes, and his or her master or mistress, or their guardian, shall pay the costs of such prosecution.

#### CHAPTER LI.

An act to amend the several acts heretofore in force, for the appointment of Commissioners for the town of Warrenton, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That whenever the inhabitants of Warrenton shall fail to elect, under the provisions of the existing laws, commissioners for said town so that it shall be made to appear satisfactory to the County Court of the county of Warren that commissioners have not been elected for the space of three months from the first day of January in each and every year, or that the streets, or any of the streets, are during the same space of time out of order, that then and in that case, the said County Court of Warren shall be, and are hereby authorised and required to appoint an overseer or overseers of the streets of Warrenton, and apportion the hands that may belong to said town, which, by the general road laws of the State, are liable to work on roads; and the said overseer or overseers are hereby required, with the said hands so liable as aforesaid to work on roads, to keep the streets of said town in good repair, under like pains and penalties, both as to overseers and hands, as are now prescribed against overseers of roads and hands required to work on roads generally: *Provided*, the overseer or overseers, as the case may be, shall not require the hands to work more than ten days in any one year.

II. *And be it further enacted*, That this act shall be in force from and after the passing thereof; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER LII.

An act to authorise the County Courts of Stokes and Gates to appoint a committee of Finance

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the justices of the peace for the counties of Stokes and Gates, if they deem it expedient, at the first Court which shall be holden for said counties after the first day of March next, and annually thereafter, a majority of the justices being present, to appoint three persons of skill and probity to act as a committee of Finance, whose duty it shall be to examine all the records, papers and documents in the offices of the clerks of the Superior and County Courts, clerk and master in Equity, sheriffs, county trustee, and all officers or commissioners, who have heretofore held money belonging to the counties aforesaid; and the said committee are hereby authorised and empowered to call on each and every of the officers and commissioners aforesaid to lay before them the records, documents and papers respectively as aforesaid for their inspection.

II. *And be it further enacted*, That it shall be the duty of the said committee of Finance to make a full investigation of all the financial concerns of the said counties from the beginning of the year one thousand eight hundred and twenty two, up to the end of the present year, and to the end of each suc-



ceeding year thereafter; and they shall return to the said Courts a full, fair, and perfect statement thereof, designating therein all balances or monies due by the counties aforesaid to individuals, as well as those due by delinquents to the counties.

III. *And be it further enacted*, That the said County Courts of Stokes and Gates shall direct the said committee to be paid such sum or sums for their services as the said Courts may deem just: *Provided*, the said sum or sums does not exceed two dollars per day for each person named therein every day the said committee are necessarily employed in making said settlement: *Provided also*, that seven justices be on the bench when said allowance may be made, which shall be paid out of the county funds.

IV. *And be it further enacted*, That if the said clerks, sheriffs, county trustees, or other officers supposed to hold county monies, fail, neglect, or refuse to come forward, and duly account for the same, the committee of Finance shall give such officer or officers ten days previous notice in writing, specifying the time and place at which they will attend for the purpose of making such settlement; and every officer receiving such notice as aforesaid, and failing to attend and make such settlement as is required by this act, shall forfeit and pay the sum of one hundred dollars, to be recovered before any jurisdiction having cognizance thereof; which said suit shall be brought in the name of the chairman of the Court, and prosecuted at the expense of the county.

V. *And be it further enacted*, That the committee appointed by this act for either of the counties aforesaid, shall have power to send for persons and papers, in order to enable them to make a thorough examination and settlement with the officers aforesaid; and every person thus notified, failing to attend either personally, or with such documents and papers as may be in their possession, at the time and place designated by said committee, shall forfeit and pay the sum of fifty dollars, to be recovered before any jurisdiction having cognizance thereof, in the name of the chairman of the Court, for the use of the county: *Provided, nevertheless*, that no person shall be subject to the fine aforesaid, who shall appear at the first Court of Pleas and Quarter Sessions held thereafter, and render on oath a satisfactory excuse for so failing, to be judged of by the said Court: *And provided further*, that no suit shall be instituted for the recovery of the penalty aforesaid until one term of said Court shall have intervened.

VI. *And be it further enacted*, That every person appointed by the authority of this act a member of the committee of Finance aforesaid, shall, previous to his entering upon the duties of his appointment, take the following oath, to wit: I, A. B. do solemnly swear (or affirm as the case may be) that I will faithfully discharge the duties imposed on me by law, as a member of the committee of Finance for my county, in all business that may come before me, without doing injustice to the county, or to individuals, to the best of my skill and ability. So help me God.

VII. *And be it further enacted*, That it shall be the duty of the committee of Finance appointed under the Authority of this act, to institute suits for the recovery of all monies that may be due the county in which they reside from any of the officers aforesaid, whose accounts they may examine as aforesaid; which said suits shall be brought in the name of the chairman of the Court, and prosecuted at the expense of the county.

VIII. *And be it further enacted*, That it shall hereafter be the duty of the



several clerks, sheriffs, county trustees, and all other officers or commissioners, who may have claims or demands on the counties aforesaid, to deliver the same to the said committee of Finance, for their examination and inspection, whose duty it shall be to make out two fair and correct statements of each settlement by them made by virtue of their appointment; one of which, after being submitted to and passed upon by the Court, shall be filed with the clerk of the County Court, and the other be kept by the committee for their own use.

IX. *And be it further enacted*, That no claim against the counties aforesaid shall be allowed, unless it be according to the provisions and under the direction of this act; any law, usage or custom to the contrary notwithstanding.

X. *And be it further enacted*, That the committee of Finance for Gates county, appointed under the provisions of this act, shall be authorised and required to extend their examination and inspection of all the documents and papers embraced by the provisions of this act, as far back as the year one thousand eight hundred and fifteen, under the same rules and regulations as are prescribed by this act.

### CHAPTER LIII.

An act to authorise Abner Payne, of the county of Burke, to erect a gate on his own lands across the road leading to Lincolnton.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Abner Payne, of the county of Burke, be, and he is hereby authorised and empowered to erect and keep up a gate on his own lands across the road leading to Lincolnton, under the same rules and regulations, and on the payment of such tax as is prescribed by the existing laws of the State.

### CHAPTER LIV.

An act to restore to credit Thomas Bennett, of Stokes county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, Thomas Bennett, of Stokes county, in North-Carolina, be, and he is hereby restored to credit in as full and ample a manner, to all intents and purposes, as if the said Thomas Bennett had never been convicted of any crime whatever; and he is hereby declared to be a competent witness, to depose and testify in all cases where the same may be necessary; any law, usage or custom to the contrary notwithstanding.

### CHAPTER LV.

An act to prevent persons from injuring a dam and canal, lately constructed by Ebenezer Pettigrew, in the county of Tyrrell.

WHEREAS it is represented to this General Assembly, that Ebenezer Pettigrew, of the county of Tyrrell, has lately thrown a strong dam across South Fork Creek, in said county, and also caused to be opened a new and better communication between said creek and Scuppernong River, greatly to the benefit of the inhabitants residing on said creek;

*Therefore, be it enacted by the General Assembly of the State of North-Carolina, and it hereby enacted by the authority of the same*, That it shall not be lawful for any person or persons to pull down, or in any manner injure the said dam across South Fork Creek; nor shall it be lawful for any person or persons to obstruct or in any manner injure the said canal leading from South



Fork Creek to Scuppernong River; and the said canal is hereby made the permanent channel of the South Fork Creek, and it shall be unlawful for any person to change or alter the same.

II. *Be it further enacted*, That if any person or persons shall transgress the provisions of the first section of this act, he or they shall be subject to indictment in the County Court of Tyrrell, and, on conviction, shall be fined at the discretion of the Court, in any sum not exceeding five hundred dollars.

#### CHAPTER LVI.

An act to repeal an act, passed in the year one thousand eight hundred and twenty three, entitled "an act to amend an act, passed in the year one thousand eight hundred and twenty two, entitled 'an act making compensation to the Jurors of the Superior and County Courts of Moore, Carteret and Bertie,'" so far as the same relates to the county of Moore.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the above recited act be, and the same is hereby repealed.

#### CHAPTER LVII.

An act to regulate the patrol of Lenoir county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the Court of Pleas and Quarter Sessions of the county of Lenoir, at the first term of said court which shall happen after the first day of January next, and at every subsequent term, to appoint not less than four fit and suitable persons in each captain's district, whose duty it shall be to patrol their respective districts, and any other district within the limits of said county, if they think proper, at least twice a month, and oftener if necessary; and should the said patrol find any negro or negroes from his, her or their master or mistress's plantation on the Sabbath day, or at any other unseasonable time, without a permit in writing from the master, mistress, or overseer of such slave or slaves, designating the places to which they are permitted to go, it shall be the duty of said patrol, or any of them, to inflict a punishment, not exceeding fifteen lashes on the bare back of such slave or slaves.

II. *Be it further enacted*, That it shall be the duty of the patrol to keep good order and decorum among slaves at all public places in said county; and in consideration of the duties above prescribed, the said patrol shall receive, each, the sum of one dollar and fifty cents for the time they are compelled by this act to serve, and for that period shall be exempt from serving on juries, working on roads, and performing military duty.

III. *Be it further enacted*, That no person shall be compelled to serve as a patroller in said county for a longer period than three months in each and every year.

IV. *Be it further enacted*, That if any of the patrol shall fail to perform the duties prescribed by the provisions of this act, for every such failure or neglect he or they shall forfeit and pay the sum of one dollar and fifty cents, to be recovered by any person warranting for the same, before any justice of the peace of said county.

V. *And be it further enacted*, That the Court of Pleas and Quarter Sessions of said county shall annually lay such tax on all the black polls in said county, as will be sufficient to defray the expenses which may be incurred by the provisions of this act.



VI. *Be it further enacted*, That all acts and clauses of acts coming within the purview and meaning of this act, be, and the same are hereby repealed.

#### CHAPTER LVIII.

An act to repeal an act, passed in the year one thousand eight hundred and twenty-four, entitled "an act making compensation to the jurors of the Superior and County Courts of the county of Columbus, and for laying a tax for the same."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the aforesaid act of the last General Assembly, making compensation to the jurors of the Superior and County Courts of the county of Columbus, and for laying a tax for the same, be, and the same is hereby repealed and made void.

#### CHAPTER LIX.

An act to alter the time of holding the Superior Courts of the counties of Davidson and Rowan.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Superior Courts of Law and Equity for the counties of Davidson and Rowan shall be opened and held in each and every year on the days following, to wit: The Superior Court for the county of Davidson shall be opened and held on the first Monday after the fourth Monday of March, and the first Monday after the fourth Monday in September; the Superior Court aforesaid for the county of Rowan shall be opened and held on the second Monday after the fourth Monday in March, and the second Monday after the fourth Monday in September; and all proceedings and process of every kind pending in, or issued, or to be issued from the said Superior Courts, shall stand continued, and be returned to the time by this act prescribed for holding the said Courts respectively.

#### CHAPTER LX.

An act granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of March next, it shall not be lawful for the justices of the Court of Pleas and Quarter Sessions for the county of Brunswick to try any causes, where a jury may be necessary, nor shall they summon any jury to attend said County Court.

II. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the clerk of the Court of Pleas and Quarter Sessions of the county of Brunswick aforesaid to make out a true transcript of all suits which may be pending in said court by the last day of March next, and deliver the same to the clerk of the Superior Court for the county aforesaid, together with all such papers as may relate to such suits respectively, on or before the first day of September next.

III. *And be it further enacted*, That it shall be the duty of the clerk of the Superior Court of the county aforesaid to receive such transcript and original papers, and immediately enter them on his docket, in regular succession, observing the order of precedence of each suit as indicated by its number, and shall stand in the same order for trial in the Superior Court aforesaid as they originally stood in the Court of Pleas and Quarter Sessions; and it is also declared to be the duty of the clerk of the Superior Court of the county of Brans-



wick aforesaid, on application of either plaintiff or defendant, in any suit which may be transmitted to him agreeably to the directions of this act, to issue subpoenas for witnesses, or other legal process, returnable to the next Superior Court of the county aforesaid, which shall be as valid and binding in law, to all intents and purposes, as if such suits had originated in said Superior Court.

IV. *And be it further enacted*, That if the clerk of the Court of Pleas and Quarter Sessions, or of the Superior Court of said county, shall fail or neglect to perform the duties enjoined upon him by this act, he shall forfeit and pay the sum of one hundred dollars for each and every offence, to be recovered by action of debt, in the name of the Governor for the time being, and to be applied to the use of the county.

V. *And be it further enacted by the authority aforesaid*, That from and after the first day of March next, all suits in said county, whether civil or criminal, shall originate in the Superior Court aforesaid; and all appeals from justices of the peace in said county in civil cases, and all recognizances by them taken in criminal cases, shall be returnable to the next Superior Court for the county aforesaid.

VI. *And be it further enacted by the authority aforesaid*, That when any will, or paper purporting to be the last will and testament of any person, is brought into the Court of Pleas and Quarter Sessions for probate, and the probate of which is contested, the clerk shall immediately enter the same on a docket to be kept by him for that purpose, and shall, within ten days after the rise of the court, at which the said will, or paper purporting to be a will, was presented, make out a transcript from his docket; which transcript, with the original will, or paper purporting to be a will, shall be delivered by him to the clerk of the Superior Court of the county aforesaid; and the clerk of the Superior Court aforesaid is hereby authorised to receive and enter the same on his docket, and, on application of either plaintiff or defendant, issue subpoenas for the attendance of witnesses, and the said Superior Court shall have full power and authority to hear, settle, and determine such case; and it is also declared to be the duty of the clerk of the Superior Court of the county aforesaid, that when a decision has been made in the Superior Court aforesaid, to issue a certificate of said decision to the clerk of the County Court aforesaid, with the original will or paper, which shall be recorded by the County Court as evidence of the probate or rejection of said will; and also in all cases of caveat for land where the intervention of a jury may be necessary, the same proceedings shall be had and observed by the said clerks of the County and Superior Courts, as are prescribed in the 6th section of this act in regard to wills.

VII. *Be it further enacted*, That the Court of Pleas and Quarter Sessions for the county aforesaid are hereby required, at their term next preceding the next ensuing fall term of the Superior Court of said county, to take up the State docket, in regular order, and bind over the parties and witnesses concerned to the next succeeding Superior Court to be held for the said county.

VIII. *And be it further enacted*, That all acts and clauses of acts, which come within the meaning of this act, be, and the same are hereby repealed.

#### CHAPTER LXI.

An act to appoint commissioners to contract for the building of a new court-house in the county of Wilkes, to fix the site for the same, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Montford Stokes, John



Finley, Walter R. Lenair, John Bryan, and John Martin (son of Benjamin,) be, and they are hereby appointed commissioners, with full power and authority, to contract with some suitable person or persons for the building of a new court-house in the county of Wilkes.

II. *And be it further enacted*, That the said commissioners, or a majority of them, are hereby authorised and required to fix upon a suitable plan, size, dimensions, and materials out of which the said court-house shall be built; and the said commissioners, or a majority of them, are hereby required, previous to contracting for the building of the said court-house, to advertise the same in some one or more newspapers in this State, for at least six weeks, setting forth the size, description, and materials out of which it is to be built, and the time of letting out the same.

III. *And be it further enacted*, That the commissioners aforesaid, or a majority of them, shall proceed to let out the same, so soon as they, or a majority of them, shall think a sufficient sum of money has been raised, by the taxes already laid for that purpose, to justify them in commencing the work: *Provided*, that no contract shall be valid without the contractor first having entered into bond and approved security to the said commissioners for the faithful performance of the work: and *provided also*, that the contract for the same shall not exceed the sum of five thousand dollars.

IV. *And be it further enacted*, That the commissioners aforesaid, or a majority of them, are hereby authorised and required to locate and fix the site for the said court-house in the centre of the public square, in the town of Wilkesborough, as near as can be ascertained, taking into the estimation the streets, which border on the same, on the north and west sides thereof, leaving the remaining part of the said square forever thereafter for the use and benefit of the people of said county.

V. *And be it further enacted*, That it shall be the duty of the commissioners aforesaid, or a majority of them, to superintend (as much as may be in their power) the building of said court-house, and to see that no materials are made use of in the building, but such as are specified in the contract, and such as shall have been previously approved of by them.

VI. *And be it further enacted*, That the Court of Pleas and Quarter Sessions of the county aforesaid are hereby authorised and required to lay such a tax, from time to time, as they may deem expedient to carry the provisions of this act into effect.

VII. *And be it further enacted*, That the taxes hereby authorised to be laid, shall be collected by the sheriff of said county, under the same rules, regulations, and restrictions, as other county taxes, and by him shall be paid over to the commissioners appointed by this act, or such one of them, as a majority shall authorise in writing to receive the same, who shall pay the amount over to the contractor, under the direction and authority of the said commissioners.

VIII. *And be it further enacted*, That when the new court-house shall be completed and received by the commissioners, they, or a majority of them, are hereby authorised and required to expose to sale (upon such terms as they may think proper) the old court-house of said county; the proceeds of which shall be applied to the payment of the contract entered into for building the new one; and all the papers, records and documents belonging to the offices of the clerks of the Superior and County Courts of said county shall be kept in the new court-house, when finished: *Provided*, suitable rooms shall be constructed for that purpose.



IX. *And be it further enacted*, That the sheriff of said county is hereby directed to pay over to the county trustee of said county, at his next settlement, a sufficient amount of the taxes by him collected for the building of a new court-house in said county, to discharge and pay the claims of all the jurors who served for the year one thousand eight hundred and twenty-three, and who have taken out certificates of their services according to the provisions of the then existing law; and on failure of the sheriff to pay over the taxes, as by this act directed, he shall be subject to the same fines and penalties as are imposed by the existing laws in other cases of neglect; and the county trustee of said county, upon receiving the amount as aforesaid, shall give public notice to the jurors aforesaid to call at his office and receive their pay accordingly.

X. *And be it further enacted*, That nothing in this act shall be construed to affect the fourth section of an act, passed in the year one thousand eight hundred and twenty three, entitled "an act to amend an act, passed in the year 1795, entitled 'an act for appointing commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a court-house, prison, and stocks.'"

XI. *And be it further enacted*, That this act shall be in force from and after the ratification thereof; and all other laws and clauses of laws coming within the meaning and purview of this act are hereby repealed.

#### CHAPTER LXII.

An act prescribing the time and places of electing the members of the General Assembly for the county of Wayne, members of Congress, and Electors to vote for President and Vice President of the United States, and to repeal part of an act, passed in the year 1824, entitled "an act prescribing the time and places of electing members to the General Assembly, members to Congress, and Electors to vote for President and Vice President of the United States."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in future the elections in Wayne county for members of the General Assembly of this State, shall be held on the second Thursday of August in each and every year, in each captain's district, at the usual places of holding company musters, except the district of Waynesborough, which shall be held at the court-house in said county.

II. *And be it further enacted*, That the elections for members of Congress, and Electors to vote for President and Vice President of the United States, shall be held at the said several places in said county, at the periods respectively authorised by law.

III. *And be it further enacted*, That it shall be the duty of the Court of Pleas and Quarter Sessions at the Court preceding the election, to appoint one justice of the peace and two freeholders in each captain's district, to hold said election; and in case of death or refusal to act, it shall be competent for one justice of the peace and two freeholders to supply any such vacancy; and in case there should be no justice of the peace present, it shall be competent for three freeholders to make such appointment.

IV. *And be it further enacted*, That it shall be the duty of the sheriff of said county to give ten days notice in each captain's district of the time and place of holding said elections.

V. *And be it further enacted*, That it shall be the duty of the keepers or inspectors of said elections to open the polls at eleven o'clock, and carefully to count the votes by five o'clock of the same day, at which time the polls shall



be closed; and it shall be the duty of said keepers and inspectors to make a return of the state of the polls by two o'clock in the afternoon on Friday, at the court-house in Waynesborough, when it shall be the duty of the sheriff of said county carefully to compare the said polls, and declare who is elected.

VI. *And be it further enacted*, That the inspectors of said elections, before proceeding to act as such, shall be qualified before some justice of the peace of said county.

VII. *And be it further enacted*, That so much of an act, passed in one thousand eight hundred and twenty-four, entitled "an act prescribing the time and places of electing members of the General Assembly for the county of Wayne," as conflicts with this act, be, and the same is hereby repealed.

### CHAPTER LXIII.

An act to establish Oak Grove Academy, in the county of Greene, and to incorporate the trustees thereof.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That William Moye, Archibald Adams, Robert Carr, Titus Carr, Jethro Warren, Allen Blount, and Alfred Moye, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name and style of "the trustees of Oak Grove Academy," and by that name and style shall have perpetual succession and a common seal, and they, or a majority of them, or their successors, shall be able and capable in law, to take, demand, receive, and possess money, goods and chattels, lands and tenements, for the use of the said Academy, and apply the same accordingly to the will of the donor.

II. *And be it further enacted*, That the said trustees, or a majority of them, and their successors, shall be able and capable in law, to sue and be sued, plead and be impleaded, in any court of this State, and to do all such acts and things as may be necessary and proper to be done by bodies corporate, for the advancement and promotion of science in said institution, not inconsistent with the laws of the State.

III. *And be it further enacted*, That whenever any of the aforesaid trustees shall die, remove, resign, or by any other means become incapable of performing their duties as trustees of said institution, a majority of those remaining shall elect some fit and suitable person or persons in his or their stead, who shall have the same power as their predecessors.

### CHAPTER LXIV.

An act directing the manner in which Constables shall be hereafter appointed in the county of Sampson.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of January next, there shall not be a greater number of constables in the county of Sampson than one for each captain's company of militia within said county.

II. *And be it further enacted*, That the several captains' companies within the said county shall annually proceed to elect, on the Saturday before the third Monday in May, some fit and suitable person within the bounds of said company, to act in the capacity of constable for the succeeding year, who shall be returned and recommended to the Court of Pleas and Quarter Sessions of the said county as hereinafter directed; and upon such return being made, un-



der the certificate of the judges appointed to hold said election, the said Court shall proceed to qualify such person so returned, to act as a constable for the then succeeding year, he or they first giving bond with good and sufficient security as by law required.

**III. *Be it further enacted,*** That the several captains of companies within said county, shall, at their first muster which shall happen after the first day of January in each and every year, appoint two discreet and suitable persons to hold said elections; and every person residing within the bounds of said company, who is qualified and entitled to vote for members of the House of Commons in the State Legislature, shall be entitled to vote in all such elections; and the person receiving the greatest number of votes shall be considered as duly elected, and shall be returned, under the certificate of the said judges, to the first Court of Pleas and Quarter Sessions which shall happen after said election.

### CHAPTER LXV.

An act concerning the appointment and power of patrols in the county of Robeson.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That each captain of militia in the county of Robeson shall appoint twice a year any number of discreet persons, not exceeding six, to act as patrols for the space of not more than six months; and, as a compensation for their services, they shall be exempt from working on the public highways and from mustering during their time of their appointment; and the captain shall cause the patrols to be notified of their appointment in writing, subscribed with his proper signature, which service shall empower the patrols to perform the duties herein required.

**II. *Be it further enacted,*** That it shall be their duty to go on patrol in their respective districts, at least once a fortnight; and the patrols in each district, or a majority of them, shall have power to inflict a punishment, not exceeding fifteen lashes, on all slaves they may find off their owners' plantation, either on the Sabbath or other unseasonable time, without a proper permit or pass.

**III. *Be it further enacted,*** That if the captain shall neglect to make the appointment as by this act directed, he shall forfeit and pay the sum of ten dollars, to be recovered by warrant before any justice of the peace, in the name of the county trustee, for the use of the county, by any person suing for the same; and if any one of the patrols shall neglect to perform the duty required in the second section of this act, he shall forfeit and pay the sum of five dollars, to be recovered and appropriated in like manner; and the said patrols are further required to perform all other duties not herein already specified, which are required of patrols under the general laws of the State.

### CHAPTER LXVI.

An act compelling the Register of Rowan county to keep his office in the court house of said county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be the duty of the Register of Rowan county to keep all the books and papers in his office in the room provided for that purpose in the court house of said county; and that on failure thereof, he shall be subject to a penalty of ten pounds for every month he neglects the provisions of this act, to be recovered in the name of the chairman of the County Court of Rowan.



## CHAPTER LXVII.

An act to repeal an act, passed in the year one thousand eight hundred and eleven, entitled "an act to authorise the County Court of Nash to appoint commissioners to contract with some person or persons for building public houses on the public ground at Nash Court House, and for other purposes."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the before recited act be, and the same is hereby repealed.*

## CHAPTER LXVIII.

An act to authorise Willis Lewis, of Granville county, to erect and keep up on his own lands, two gates across the public road leading from Clay's Cross Roads to Grassy Creek.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Willis Lewis, of the county of Granville, be, and he is hereby authorised and empowered to erect on his own lands, in said county, two gates across the public road leading from Clay's Cross Roads to Grassy Creek Meeting House, under the same rules, regulations and restrictions, and upon the payment of such taxes as are now or hereafter may be established and imposed by law.*

## CHAPTER LXIX.

An act to provide for the better government of the town of Lincolnton.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the government of the town of Lincolnton shall be vested in an intendant and four commissioners, who shall be annually chosen on the first Saturday in March, at the court house in Lincolnton, and the commissioners who last served as such, or any two of them, shall give at least ten days notice by advertisement at the court house door in Lincolnton; and it shall be the duty of the said commissioners to open an election at said court house at ten o'clock on said day, and to keep it open until three o'clock, P. M. and receive the votes; and the person having the highest number of votes, shall be intendant, and the four persons having the next highest number of votes, shall be commissioners; and the said persons holding said election as commissioners aforesaid shall declare the result of the election.*

*II. And be it further enacted, That no person shall be deemed qualified to act as intendant or commissioner who is not seized in fee simple of a lot in said town, and who has not been for six months previous to the election a citizen of Lincolnton.*

*III. And be it further enacted, That no person shall be deemed qualified to vote for intendant or commissioners of police in said town, except free men, who are twenty-one years of age, and have resided six months in town, and possess a lot or part of a lot in the same.*

*IV. And be it further enacted, That the intendant and commissioners of police, so elected and qualified according to this act, shall be, and they are hereby incorporated into a body politic and corporate, to be known by the name of the Town Council of Lincolnton, and by that name have succession in office and a common seal; and the said council shall have power, from time to time, and at all times hereafter, to make such rules, bye-laws, orders, regulations and ordinances, as to them shall seem necessary, for the good government of the town; for laying out, extending and keeping in good repair the streets and roads in the bounds of said town; to provide for the strict obser-*



vance of the sabbath day; for erecting a public market, the appointment of a clerk thereof, and such other persons as may be necessary for the management of the same; for the appointment of overseers of the different streets and roads; the designation and direction of the hands in said town; for appointing a town constable or constables, watches, guards and patrols in said town; to make such allowance to the officers by fee or otherwise as may be necessary, to be paid out of the funds of said corporation; and to make all such rules and ordinances, not inconsistent with the laws of the State, or of the United States, as said council, or a majority of them, shall deem necessary and of public utility; and shall have full power and authority to enforce said laws, rules, &c. and to impose fines and penalties, which, when collected, shall go to the use of the corporation.

V. *And be it further enacted*, That the said intendant and commissioners, before they enter upon the duties of their office as town council, shall take the following oath, viz. "I, A. B. do swear (or affirm as the case may be) that I will faithfully, and to the best of my skill and judgment, discharge the duties of intendant or commissioner, without favour or affection: So help me God."

VI. *And be it further enacted*, That if either of the persons elected as intendant or commissioner should neglect to serve, or should die, remove, or be otherwise incapable of serving, the vacancy shall be filled by election among the citizens, and the person or persons thus chosen and qualified, shall be subject to the same rules and duties as those who were originally elected and qualified by this act.

VII. *And be it further enacted*, That the said council, or either of them, shall have power to arrest and carry before a justice of the peace any person or persons who shall in their presence, be guilty of any riot, unlawful assembly, or other breach of the peace, within the limits of said town; and that the constable or constables appointed by the said town council shall be entitled to the same fees, and subject to the same penalties, as constables appointed by the County Courts.

VIII. *And be it further enacted*, That the said council shall fix stated meetings at least once in each and every month; and if the intendant fail to attend said meetings, he shall for each and every failure, pay the sum of two dollars; and each and every commissioner, in like manner failing to attend said stated meetings, shall, for each and every failure, pay the sum of one dollar; which fines shall be for the use of the corporation: *Provided always*, that nothing shall be herein construed so as to find either intendant or commissioner, who shall give a reasonable excuse for his or their absence, which is to be judged of by the council.

IX. *And be it further enacted*, That the said council shall, within six months after their organization, cause a survey to be made of the town and town land; two plats of which shall be certified by the surveyor and intendant of said town, and one of them shall be registered in the register's office of Lincoln county, and retained in the office of council, and the other shall be filed with the clerk of the County Court, and these plats shall be legal evidence of the boundaries of the corporation.

X. *And be it further enacted*, That the town council aforesaid shall have full and exclusive power and authority to cause to be opened and extended any streets or roads within the corporation, and to direct the hands to clean out and keep in repair the streets and roads aforesaid, and shall impose such finds on persons who may neglect or refuse to work on the streets and roads aforesaid, as are now established by law in such cases.



XI. *And be it further enacted,* That all persons within the corporation who are liable by law to work on the high roads, shall be liable to work on the streets and roads in the aforesaid corporation, and no further.

XII. *And be it further enacted,* That the town council be, and they are hereby invested with full power and authority to lay and collect such taxes on town property (not exceeding twelve and a half cents on each hundred dollars) as they shall find necessary for the repair of streets and roads, and for the good of the corporation.

XIII. *And be it further enacted,* That it shall be the duty of the intendant to appoint two commissioners to hold an election for a town council, and shall publish the same by advertisement at the court house door, at least ten days previous to the expiration of the year for which the council were appointed; and for every failure, he shall pay the sum of five dollars, to the use of the corporation; and if one or both the commissioners appointed to hold an election for town council for the next year, shall fail or refuse to hold the same, he or they shall pay five dollars each, to the use of the corporation; and if the intendant and commissioners fail to hold an election as directed by this act, any two freeholders of said town shall hold said election on said day, which shall be as legal and valid as above required.

XIV. *And be it further enacted,* That this act be and remain in force from and after the first day of January, 1826; and that all acts and parts of acts coming within the meaning and purview of this act, be, and they are hereby repealed.

#### CHAPTER LXX.

An act to establish a poor house in the county of Martin.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the wardens of the poor for the county of Martin to make application to the County Courts of said county, who, if they deem the same expedient, (a majority of the justices being present,) are hereby authorised and empowered to lay such a tax as they may deem necessary, for the purpose of procuring a piece of land, by purchase or otherwise, at or near the town of Williamston, to build or cause to be built thereon, a house or houses fit for the reception of the poor of said county; under which denomination shall be comprehended all such persons of either sex, as shall be adjudged by the wardens incapable, through age or infirmities, to procure subsistence for themselves; and the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, and see they are humanely treated and provided with suitable diet, clothing and fuel, and to enforce all such regulations as the said wardens shall make for the good government of said poor; and the said overseer, for his services, shall be allowed such compensation as the said wardens may think adequate, to be paid out of the taxes laid for that purpose; and the keeper of said poor is hereby authorised to keep at moderate labour such of the poor as he may deem capable of labour, and shall account on oath to the said wardens, at the end of every year, for all such sums as may have arisen from the labour of said poor; and he shall make out a complete statement of all the expenses incurred in carrying on and keeping up said poor house.

II. *Be it further enacted,* That the taxes imposed by virtue of this act shall be collected by the sheriff of said county, and paid over to the wardens,



to be applied to the purposes before mentioned; any law to the contrary notwithstanding.

### CHAPTER LXXI.

An act for the improvement of the navigation of Perquimons river, above Newby's bridge.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Langley Billups, Elisha Reddick, James Perry, and Willis Reddick, of Perquimons county, and Joseph Gordon, Joseph Reddick, William W. Stedman and Abraham Harrell, of Gates county, be, and they are hereby appointed commissioners, with full power, to clear out Perquimons river, and remove all obstructions in the same, from Newby's bridge to the highest point on the said river, to which a good boat navigation can be made; and also to cut a canal from said point to the White Oak Spring Marsh Canal.

II. *Be it further enacted,* That the said commissioners be, and they are hereby authorised to receive subscriptions, either in money or labour, for the purpose of effecting the said work; and, when completed, the said canal and river shall be forever a public highway for the passage of all boats, free from any toll or imposition whatever.

III. *Be it further enacted,* That if any of the said commissioners shall refuse to act, or shall die, resign, or remove out of the state before the completion of the said work, the remaining commissioners shall have power to choose some person to supply his place, who shall have the same power and authority as any of the commissioners hereby appointed.

### CHAPTER LXXII.

An act to prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That if any person or persons shall fall timber in, or otherwise obstruct the run of Brown creek, in Anson county, between the mouth thereof and the upper boundary of Malachii Pegues' plantation, he, she, or they shall forfeit and pay the sum of five dollars for each and every offence, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the informer, and the other half to the poor of said county: *Provided,* that nothing herein contained shall be construed to prevent owners of land on said creek from erecting water fences across the same, nor shall any person incur the penalty herein prescribed, who shall fall timber in, or obstruct the run of said creek, in clearing and improving their lands: *Provided,* he, she, or they shall remove the same within ten days.

### CHAPTER LXXIII.

An act making compensation to the jurors of the Superior and County Courts of Ashe county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of January, one thousand eight hundred and twenty seven, all jurors, (talismen excepted,) who shall be regularly summoned to attend the Superior or County Courts of Ashe county, shall receive for each and every day's attendance on the same the sum of fifty cents.

II. *Be it further enacted,* That each and every juror so attending, shall within two days after the rise of the Court, at which he may have served as a ju-



ror, go before some justice of the peace of said county, and prove on oath the number of days he may have so served; and upon receiving a certificate of the same, shall present it to the county trustee, who shall pay the amount out of the funds by this act authorized for that purpose.

III. *And be it further enacted*, That the Court of Pleas and Quarter Sessions of said county are hereby authorised and required, at their next May term, to levy a sufficient tax on all the taxable property within said county, to defray the expenses of paying the jurors as by this act directed; which taxes so levied, shall be collected by the sheriff, and paid to the county trustee of said county, under the same rules, regulations and restrictions as other county taxes.

IV. *And be it further enacted*, That the county trustee of said county shall attend at the court house on the third day of each and every term, for the purpose of paying to the jurors the amount of their respective claims.

#### CHAPTER LXXIV.

An act to establish Williams Academy, in the county of Duplin, and to incorporate the trustees thereof.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John Cooper, William L. Hill, Robert Middleton, Blaney Williams, Herrald Blackmore, Benjamin Best, junr. John Boyette, David Middleton, Francis Williams, Benjamin Cooper, Branch Williams, Libeus Middleton, James Middleton, Thomas Phillips and Benjamin Best, senior, and their successors, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of "the trustees of Williams Academy," and by that name shall have perpetual succession, and shall be able and capable in law to receive, enjoy and possess any quantity of land, and tenements, goods, chattels, and monies, which may be given to them, and apply the same according to the will of the donor, and dispose of the same, when not forbidden by the terms of said gift; they may sue and be sued, plead and be impleaded, in any Court of Law within this State, and shall have power to fill the places of such as may die, remove and resign, and to establish such byelaws, rules and regulations, for the government of said institution, as may be necessary for the preservation of order and good morals, elect a professor, or professors, tutors and other officers, and to do and perform all such acts and things as are incident to and usually performed by bodies politic for the accomplishment of the object contemplated; and that any five of the above named trustees shall form a quorum for the transaction of all business appertaining to the interests of the said Academy.

#### CHAPTER LXXV.

An act for the better government of the town of Wadesborough, in Anson county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the government of the town of Wadesborough shall be vested in a magistrate of police and three commissioners, who shall be annually chosen on the last Saturday in January, at the court house in Wadesborough.

II. *And be it further enacted*, That no person shall be deemed qualified to act as magistrate of police except a justice of the peace resident in said town, nor as commissioner, who has not been a citizen of said town six months previous to the election; and that no person shall be deemed qualified to vote for a magistrate of police or commissioner, except free white men, who are twen-



ty-one years of age, and have resided in said town six months immediately previous to the election.

III. *And be it further enacted*, That the magistrate of police and commissioners appointed according to the provisions of this act, shall be, and they are hereby incorporated into a body corporate, to be known by the name of the town council of Wadesborough, and shall have succession in office, and a common seal, and have power, from time to time and at all times hereafter, to make such rules, bye-laws, regulations and ordinances as to them shall seem necessary for the government of said town; for laying out, extending and keeping in good repair the streets and roads in the bounds of said town; to provide for the strict observance of the Sabbath, for the appointment of overseers of the streets and roads, the designation and direction of the hands to work thereon; and to make such rules and ordinances, not inconsistent with the laws of the State, which they, or a majority of them, shall deem necessary; and shall have power to enforce said laws, rules and ordinances, and impose fines and penalties for infractions of the same; which, when collected, shall go to the use of said corporation.

IV. *And be it further enacted*, That if either of the persons elected as magistrate of police or commissioners, shall neglect or refuse to act, or shall die, remove, or be otherwise incapable of serving, the vacancy shall be filled by the remaining members of said town council, and the person so chosen shall be subject to the same rules and invested with the same powers as those who were originally elected.

V. *And be it further enacted*, That the said town council shall fix stated meetings at least once in each and every two months; and if the said magistrate of police shall fail to attend said meetings, he shall pay for each and every failure the sum of two dollars, and each and every commissioner, in like manner failing, shall pay for each and every failure as aforesaid the sum of one dollar; which fine shall be for the use of the said corporation: *Provided always*, that nothing shall be construed so as to fine either the magistrate of police or the commissioners, who send in a reasonable excuse, to be adjudged by the town council.

VI. *And be it further enacted*, That the said council shall within six months after their organization, cause a survey to be made of the town, two plats of which shall be certified by the surveyor and magistrate of police; one of them shall be registered in the register's office of Anson county, and the other filed in the clerk's office of said county; which plats, or a registered copy thereof, shall be evidence of the boundaries of said corporation.

VII. *And be it further enacted*, That the said town council be, and they are hereby authorised and empowered to lay and collect such taxes on town property, not exceeding ten cents on each hundred dollars, as they shall deem necessary for the repairs of streets and roads and the good of the corporation.

VIII. *And be it further enacted*, That any two freeholders, residents of said town, shall be, and they are hereby authorised to hold the first annual election by this act established; and that it shall be the duty of the said town council annually thereafter to appoint two of their body to hold the election, whose duty it shall be to advertise the same at the court-house in Wadesborough, ten days immediately preceding the day of election; and that the persons having a plurality of votes shall in all cases be declared duly elected; and in case the commissioners appointed shall fail or neglect to hold the said election, they shall forfeit and pay the sum of four dollars each, to the use of



the corporation; and any two freeholders are hereby authorised to hold said election upon the neglect aforesaid.

IX. *And be it further enacted*, That this act shall be in force from and after the ratification thereof.

#### CHAPTER LXXVI.

An act to authorise the building of a toll bridge over the river Cape-Fear, and to incorporate a company for that purpose.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John Kelly, John Huske, Benjamin Robinson, William Boylan, Joseph Hawkins and John Eeles, be, and they are hereby appointed commissioners for receiving subscriptions to the amount of ten thousand dollars, for the purpose of building a bridge over the river Cape-Fear, as near as convenient to the place where a direct line from Fayetteville to the city of Raleigh would cross the same, to be called and known by the name of "La Fayette Bridge;" and the said commissioners, or a majority of them, shall prepare books, and cause the same to be opened at Fayetteville and at Raleigh, under the direction of themselves, or such persons as they may appoint, on or before the first day of February next, and they shall continue open until the first day of April next, unless the said capital sum shall be subscribed before that time, at which time the said books shall be returned to the commissioners aforesaid in the town of Fayetteville; and on the first Monday of May next, there shall be a general meeting of the said subscribers personally, or by proxy, at Fayetteville, which meeting may continue from day to day until the business thereof be finished; and if it shall appear that five thousand dollars or more of the capital stock shall have been subscribed, the said subscribers, or their legal representatives or assigns, from the time of the said first meeting, shall be, and they are hereby declared to be incorporated into a company, by and under the name and style of the "La Fayette Bridge Company," and may sue and be sued as such, plead and be impleaded, defend and be defended, and have a common seal; and such of the said subscribers as may be present at the said meeting, or a majority of them, are hereby empowered and directed to elect a president and five directors for conducting the business and concerns of the said company for one year, or until the next annual meeting of the stockholders. Every proprietor of stock, by writing under his or her hand executed before some justice of the peace, may depute any other stockholder to vote for him or her at any general meeting; and the votes and acts of any such proxy shall be as effectual to all intents and purposes, as if the proprietor was personally present at the doing thereof.

II. *And be it further enacted by the authority aforesaid*, That it shall be competent for said first general meeting of the stockholders of said bridge company to authorise and direct the president and directors then to be elected, to commence and proceed with their operations on any capital not less than five thousand dollars, with power at any time or times to increase the same by subscriptions to be made and received at the places herein before mentioned, to such sum as they may prescribe, not exceeding in all the sum of ten thousand dollars: *Provided always*, that if more than the capital stock hereby authorised, or shall be prescribed by said first general meeting of the stockholders, shall be subscribed before the first day of April next, the commissioners shall strike off from the said subscription, until the capital stock shall



be reduced to the sum by said general meeting dictated and prescribed; and, in striking off subscriptions, they shall begin and strike off a share from the largest subscriptions, in the first instance, and continue to strike off one share from all subscriptions under the largest, and above one share, until the same be reduced to the capital by resolution of said general meeting dictated and prescribed; and any subscription or subscriptions made after the first, towards an increase of the capital stock of the corporation, exceeding the sum for which the same is opened shall be by the president and directors reduced to the sum required, in manner as aforesaid.

III. *And be it further enacted*, That the capital stock of this corporation shall be divided into shares of fifty dollars each, and any person may subscribe for one or more shares, but not for a part of a share. The shares shall be paid for at such times and places, and by such instalments, as the president and directors of said company shall direct, they first advertising the sum to be paid in each instalment in one of the newspapers printed at Fayetteville and Raleigh, for at least twenty days; and if any person or persons holding any share or shares in said company, shall fail to pay for the same in the manner, and at the time prescribed by the president and directors aforesaid, the said president and directors may enforce the collection thereof by legal process, or they may expose to public sale the share or shares which such person may hold in said company, by giving ten days public notice thereof by advertisement put up at the town-house and court-house in Fayetteville; and if the said shares shall not sell for a sum sufficient to pay the instalments due thereon, the sum deficient may be recovered of the person or persons who own the said stock, and the books of said company shall be good evidence of such sale and of the purchase of such shares: *Provided always*, that all suits against said corporation shall be commenced and prosecuted before some justice of the peace of, or in the County or Superior Courts of Law of Cumberland county, as the nature and amount of the cause of action may justify and require.

IV. *And be it further enacted*, That the said president and directors shall have power to build a gate or gates on or near said bridge, to be erected as aforesaid, and to ask, demand and receive from persons passing over said bridge, not more than the following toll, to wit: For a four wheel pleasure carriage, seventy five cents; for a two wheel pleasure carriage, twenty five cents; for a waggon, sixty cents; for a cart, twenty-five cents; for a man and horse, ten cents; a single horse, five cents; foot passengers, five cents; for horned cattle, three cents each head; hogs and sheep, two and one half cents each head.

V. *And be it further enacted*, That the said president and directors are hereby bound to keep the said bridge in good and sufficient repair, under the penalty by law prescribed in cases of roads and bridges.

VI. *And be it further enacted*, That if the said bridge company shall not have acquired, by voluntary gift of, or purchase from the owners of the land, necessary for the roads to and from said bridge, and a sufficient quantity thereof at each end of said bridge necessary for their purposes, the Court of Pleas and Quarter Sessions of Cumberland county, upon the petition of the said president and directors, shall order the sheriff of said county to summon a jury or juries of good and lawful men to lay off a road from the south end of said bridge to Fayetteville; also to lay off a road from the north end



of said bridge to Raleigh; also, if necessary, to lay off and condemn such quantity of land at each end of said bridge, not exceeding at both ten acres, to and for the uses and purposes of the said bridge company, as the said jury may think proper and needful, and to value and assess the damage the owner or owners of the land at the ends of said bridge, so condemned as aforesaid, or through which the said roads may pass, will sustain thereby, to be paid by the said corporation; which payment shall be made before said corporation shall proceed to open said road; and, upon its appearing to the satisfaction of the County Court of Cumberland that the said roads are good and sufficient, and in good repair, the same shall thenceforth become public roads; and if any part of the road so to be laid off on the north side of the bridge, shall be within the county of Wake, on like petition being filed in the County Court of Wake, similar orders shall be by them passed, and proceedings had thereon, as is prescribed as to that part of said road lying within Cumberland county.

VII. *And be it further enacted*, That the president and directors of said company shall have full power and authority, and they are hereby declared competent to make and carry into effect all such rules and regulations, as they, in their discretion, may deem meet and proper for the conducting and management of the affairs and concerns of the company, and from time to time to alter and amend the same as they may conceive necessary, or may be prescribed by the stockholders at any general meeting, composed of not less than a majority in value or number of the stock or stockholders of the corporation; that a general meeting of the stockholders of said corporation shall be held at Fayetteville on the first Monday in May in each and every year, and at such other time or times as the said annual general meeting, or the president and directors of said company, under their authority and direction, shall prescribe and call; and the acts of any general meeting of said stockholders, supported and carried by the votes of not less than a majority in value or number of the stock or stockholders of the corporation, shall be equally effective and binding on the whole of the stockholders and corporation, as if the whole number of stockholders were present at such general meeting, assenting and consenting thereto.

VIII. *And be it further enacted*, That this act shall be in force from and after the ratification thereof.

#### CHAPTER LXXVII.

An act to allow commissions to Constables in the county of Halifax.

*Be it enacted by the General Assembly of the State of North-Carolina, and it hereby enacted by the authority of the same*, That so much of an act, passed in the year 1822, extending the provisions of an act, passed in the same year, allowing commissions to constables in the counties of Warren, Northampton and Brunswick, to the counties of Franklin, Halifax and Ashe, be, and the same is hereby repealed so far as relates to the county of Halifax.

II. *And be it further enacted*, That all constables who may be hereafter appointed in the county of Halifax, shall, in addition to the fees now allowed by law, receive commissions at the rate of two and a half per centum for all sums above fifty dollars by them collected on a single execution, by virtue of their office; and for all sums under fifty dollars, collected under a single execution, they shall receive the fees now allowed by law.

III. *And be it further enacted*, That the constables aforesaid shall be enti-



tled, and are hereby authorised to charge and collect their commissions in the same manner as is now allowed to the sheriffs of this State.

### CHAPTER LXXVIII.

An act to authorise the Court of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the justices of the peace for the county of Beaufort, at the first court which shall be holden for said county after the first day of January next, and at the first court which shall be held for said county after the first day of January in each and every year thereafter, seven justices being present, if they deem it expedient, to appoint three persons in said county to act as a committee of Finance, whose duty it shall be to examine all the records, papers and documents in the offices of the clerks of the Superior and County Courts, clerk and master in equity, and in possession of the sheriff, county trustee, and of all officers and other persons, who have heretofore held, or may hereafter hold money belonging to the said county of Beaufort; and it shall also be the duty of the said committee of Finance, so first appointed, to make a full investigation of all the financial concerns of said county from the beginning of the year one thousand eight hundred and nineteen to the end of the year one thousand eight hundred and twenty-six; and of such succeeding committees to investigate all the financial concerns of the said county for such time as they may be respectively appointed; and if any committee shall fail to perform the duties hereby assigned them, any committee that shall be subsequently appointed are hereby empowered to perform the same; and it shall be the duty of each and every committee to return to said court a full, fair and perfect statement of their proceedings, designating therein all balances of monies due from the county to individuals, as well as those due from any person whatever to the county.

II. *Be it further enacted,* That the said committee are hereby authorised and empowered to require each and every of the officers and persons aforesaid to lay before them the records, documents and papers respectively as aforesaid, for their inspection. It shall be the duty of all committees appointed under this act, and they are hereby authorised to give ten days previous notice, by a writing signed by a majority of them, to all persons as aforesaid, who are liable to account for monies as aforesaid, to appear before them at some given time at the court house in the said county, then and there to render a just and true account of what sums of money they have in their hands, which belong to said county; and they shall also specify in said notice, such records, documents and papers as they may think proper to be produced before them at the said time and place; and if any of the said officers shall fail or refuse to state an account or come to a settlement with said committee upon notice being given as aforesaid, he or they shall be liable to a penalty of fifty dollars, to be recovered by action of debt in the name of the chairman of the court, to the use of the county.

III. *And be it further enacted,* That if any officer, or other person as aforesaid, on being notified as aforesaid, shall fail to comply with what is required by the said notice, it shall be the duty of the said committees, and they are hereby empowered to notify said officers and other persons as aforesaid, in the manner before mentioned, from time to time, until said officers and persons as aforesaid shall comply with the requisitions of said notice.



IV. *And be it further enacted*, That every person appointed by the authority of this act a member of the committee of Finance aforesaid, shall, previous to his entering upon the duties of his appointment, take the following oath, which it shall be the duty of the Court of Pleas and Quarter Sessions for said county to administer: "I, A. B. do solemnly swear (or affirm as the case may be) that I will faithfully discharge the duties imposed upon me by law as a member of the committee of Finance for the county of Beaufort, in all business that may come before me, without doing injustice to the said county or to individuals, to the best of my skill and ability: so help me God."

V. *And it is hereby further enacted*, That if any person, who shall be appointed by the said justices as aforesaid a member of the committee of Finance for said county, shall refuse or neglect to serve and do his duty as a member thereof, he shall be liable to pay a penalty of fifty dollars for his refusal or neglect as aforesaid, to be recovered by action of debt, before the Court of Pleas and Quarter Sessions for said county, for the use of said county, to be sued for in the name of the county trustee of said county for the time being or his successors in office, by any person who will sue for the same, with costs of suit: *Provided*, that no person shall be compelled to serve as a member of said committee oftener than once in five years.

VI. *And be it further enacted*, That the Court of Pleas and Quarter Sessions for Beaufort county shall have power to direct, and shall direct that each member of said committee be paid a sum not exceeding two dollars per diem, as a compensation for each and every day that the said committee shall be employed in making such investigation and settlement, to be paid by the county trustee; and all allowance shall be made upon proof to the satisfaction of said court, by said committee, of the number of days that they were employed in the discharge of the duties prescribed by this act.

VII. *And be it further enacted*, That it shall be the duty of the committee of Finance appointed under this act, and they are hereby empowered to institute suits for the recovery of all monies found to be due to the said county from any persons liable to account as aforesaid; which said suit or suits shall be brought in the name of the county trustee of the said county for the time being, except in cases where the county trustee is to be sued, then such suit shall be brought in the name of the committee of Finance for the county of Beaufort, who are in office at the time the suit is brought, which said committee, or county trustee, as the case may be, shall recover the same with cost of suit, to the use of the county of Beaufort; and in case the said committee or county trustee shall fail or be cast in said suit, the cost of the same shall be paid by the said county; and in case any person or persons, sued by said committee or county trustee, shall have judgment rendered in their favor, he or they shall recover their costs, to be paid by the said county.

VIII. *And be it further enacted*, That in case any vacancy in any committee, appointed by the said justices as aforesaid, shall be occasioned by the death, removal, incapacity or disability of any one or two members appointed to serve upon said committee, then it shall be the duty of the next Court of Pleas and Quarter Sessions for said county that shall be holden after such vacancy happens as aforesaid, and the said court, seven justices being present in court, is hereby authorised to appoint some person or persons to fill said vacancy, which said person or persons so appointed shall have the same powers, and be subject to the same penalties in case of refusal or neglect to serve and do their duty, as those appointed by the said justices as aforesaid.



## CHAPTER LXXIX.

An act to appoint commissioners for the village of Chapel Hill, in Orange county, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the citizens resident in the village of Chapel Hill, on the first Thursday in February next, and on the first Thursday in each and every year thereafter, to elect five persons to act as commissioners of said village, for the term of one year from the time of such election: *Provided*, that no one shall be deemed eligible to the appointment of commissioner, unless he has resided in said village for twelve months immediately preceding his election, nor unless he is at the time of his election, and has been for twelve months previous thereto, seized and possessed in fee simple of at least one acre of land within the limits of said village; nor shall any one be entitled to vote for such commissioners, unless he has attained the age of twenty-one years, has paid a public tax, and has been a resident in said village for twelve months immediately preceding the day of election.

II. *And be it further enacted*, That it shall and may be lawful for any one or more justices of the peace residing in said village to hold the election for commissioners, and to determine who and what persons are duly elected; and should there be no justice of the peace residing in said village, then and in that case it shall and may be lawful for any two of the citizens, who are owners of lots within the same, to hold the election, and decide who are elected.

III. *And be it further enacted*, That the commissioners elected by virtue of this act, or a majority of them, shall have power to appoint a magistrate of police, a town treasurer, and constable, and also have power to pass and adopt all such bye-laws, rules and regulations, as they, or a majority of them, may deem necessary for the good order and government of said village: *Provided*, the same shall not be inconsistent with the Constitution and laws of this State, or of the United States.

IV. *And be it further enacted*, That said commissioners, or a majority of them, should they deem it necessary, are hereby authorised and empowered, annually on or before the tenth of March in each and every year, to lay a tax, not exceeding fifty cents, on all taxable polls residing in said village, (students of the University excepted,) and a tax, not exceeding twenty cents, on every hundred dollars worth of town property within the limits of the same, (excepting such property as may belong to the trustees of the University;) which tax, when collected, shall be applied to the improvement and repair of the market house and streets of said village, and to such other purposes as said commissioners, or a majority of them, may deem necessary to its prosperity and advancement.

V. *Be it further enacted*, That it shall be the duty of the town constable, when required by said commissioners, or a majority of them, to collect from each individual the amount of tax imposed on him, or his property, by said commissioners, and shall immediately on the receipt thereof, or within ten days, pay the same over to the town treasurer, who shall hold the same subject to the order of said commissioners, or a majority of them; and for the purpose of enabling the town constable effectually to collect said tax, he is hereby authorised and empowered to have, use and exercise all lawful ways and means which are usually had, used and exercised by the several sheriffs in this State in the collection of the public revenue, whether it be by distress, warrant, or otherwise.



VI. *And be it further enacted*, That it shall be the duty of each person residing in said village to deliver to the magistrate of police, on or before the first day of March in each and every year, a statement, on oath, of the number of taxable polls for which he or she, by virtue of this act, is bound to pay town tax, and also a statement of the value of all town property which he or she may own within the limits of said village; and any person failing to give the statement as above required, shall incur a forfeiture of five dollars, to be recovered in the name of said commissioners, by warrant before any justice of the peace, in and for the county of Orange, and to be applied by said commissioners in the same manner as the taxes herein before mentioned are directed to be applied.

VII. *And be it further enacted*, That it shall and may be lawful for said commissioners, or a majority of them, to appoint a patrol, which shall consist of all white male residents in said village, between the age of twenty-one and fifty years, (except members of the Faculty and students of the University;) which patrol, when so appointed, the said commissioners, or a majority of them, are hereby authorised and empowered to divide into as many companies as they may think proper, and to compel each company, by turns, to patrol said village, at such time and as often as they, or a majority of them, may think necessary.

VIII. *And be it further enacted*, That so much of an act, passed by the General Assembly of the State of North-Carolina, in the year one thousand eight hundred and nineteen, entitled "an act to appoint commissioners for the town of Chapel Hill, in Orange county," and also so much of an act, passed in the year one thousand eight hundred and twenty two, entitled "an act to amend an act, passed in the year one thousand eight hundred and nineteen, entitled 'an act to appoint commissioners for the town of Chapel Hill, in Orange county,'" and also so much of an act, passed in the year one thousand eight hundred and twenty-four, entitled "an act directing the manner in which the commissioners for the town of Chapel Hill shall in future be appointed," as come within the meaning and purview of this act, be, and the same are hereby repealed.

#### CHAPTER LXXX.

An act for the better regulation of the town of Pittsborough, in Chatham county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Winship Stedman, Green Womack, Joseph Small, Charles J. Williams, Doctor Spence M'Lenehan, Thomas Thompson, William H. Hardin and Jonathan Harolson, be, and they are hereby appointed commissioners of the town of Pittsborough, in Chatham county; and the said commissioners and their successors shall be, and they are hereby incorporated into a body corporate and politic, by the name of the commissioners of the town of Pittsborough, and by that name shall have succession by election in the manner hereinafter directed, and a common seal; and they and their successors, by the name aforesaid, shall be able and capable in law to purchase, have, hold, receive and possess to them and their successors forever in trust for the said town, any lands, rents, or tenements, of what kind, nature or quality soever, and also to grant, sell, alien, devise and dispose of the same, and to receive and take any gift or donation whatsoever to the said town, and to sue and be sued, plead and be impleaded, answer and be answered in all courts of record whatsoever; and the said commissioners



by this act appointed, or a majority of them, shall have ample power and authority to appoint a treasurer, clerk, constable, town patrols, and such other officers as may be necessary; which said treasurer, clerk and other officer or officers, that the said commissioners by this act appointed, or a majority of them, may direct, shall enter into bond with such security as they or a majority of them shall require, for the due and faithful execution of their offices, and from time to time, and at all times hereafter, to make such bye-laws, rules, orders, regulations and ordinances, as may tend to the advantage, improvement and good government of the said town and town commons, and prevent any encroachments thereupon; and the said bye-laws, rules, orders, regulations and ordinances from time to time to alter, change, amend and discontinue, as the said commissioners, or a majority of them, shall deem necessary, and to enforce a compliance and observance to such bye-laws, rules, orders, regulations and ordinances, by laying fines and penalties on the persons who refuse or neglect to conform thereto, not exceeding (five pounds) ten dollars; which said fines and penalties shall be recovered by warrant before any two of said commissioners by this act appointed, in the same manner as recoveries are had before a single justice, subject nevertheless to such appeal of any person or persons who shall be dissatisfied with the judgment given by any two of the commissioners, to the County Court of Pleas and Quarter Sessions for Chatham county, as by law is allowed in other cases; and if any slave shall offend against the said bye-laws, rules, orders, regulations or ordinances, such slave shall, on conviction before any two of the commissioners, be punished, not exceeding thirty-nine lashes.

II. *Be it further enacted*, That in case of the death, refusal to act, or removal above two miles from, or out of said town of any of the commissioners by this act appointed, the inhabitants of the said town shall, within one month after such vacancy, assemble, ten days previous notice being first set up at the most public place in said town, and elect some person, being an inhabitant of said town, or living not above two miles therefrom, in the room and stead of him so dying, refusing to act, or removing as aforesaid; which person so elected and qualified shall have the same powers and authorities as if he had been by this act especially named and appointed.

III. *Be it further enacted*, That the commissioners by this act appointed, or a majority of them, shall have full power and authority, and they are hereby directed and required, annually to lay a tax, not exceeding thirty cents on every two hundred dollars value of taxable property within the said town, and so in proportion for a greater or less value of all improved lots, and a tax of ten cents on all and every of the lots in said town which are not improved; and all and every of the inhabitants of said town, who do not possess any property therein, and shall pay annually a poll tax, equal to the tax on two hundred dollars value of taxable property in the said town; which said taxes shall be collected by such person or persons as the said commissioners thereof, or a majority of them, shall appoint for that purpose; and the collector or collectors to be appointed as aforesaid, is and are hereby empowered and directed to collect and make distress for the same, in like manner as collectors of public taxes, and the monies arising therefrom shall by him or them be paid to the treasurer of said town, to be by the commissioners thereof, or a majority of them, applied and laid out in such manner, for the benefit and improvement of the said town, as they or a majority of them shall deem necessary; and all persons who have been resident six months in said town, shall be deemed inhabitants thereof, and liable to pay taxes as aforesaid.



IV. *Be it further enacted*, That nothing in this act shall be so construed, to authorise the commissioners of the town of Pittsborough to pass any order, regulation, decree or law, which shall prevent any person from vending and selling any matter or thing whatsoever on the public lot, square or ground of said town.

#### CHAPTER LXXXI.

An act for the better regulation of the committee of Finance in the county of Cumberland, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be competent for the committee of Finance of the county of Cumberland, from time to time, to make and adopt such rules and regulations as to the manner of the keeping and rendering the accounts of the public officers of said county, liable to account to and with them, as they in their discretion may deem meet and proper; and said public officers, on being served or furnished with a copy of such rules and regulations, shall, and they are hereby instructed and directed, to respect and obey the same: *Provided always*, that any, or all of such rules and regulations may by the court of said county, a majority of the acting justices being present, be altered, amended or repealed, in whole or in part, as such court may dictate and prescribe.

II. *And be it further enacted*, That hereafter it shall be the duty of the clerk of the Superior Court, and the clerk of the Court of Pleas and Quarter Sessions of Cumberland county, in a book by them respectively to be kept for the purpose, to make and enter a list containing a true statement of the names and the allowances made to the jurors and to the constables or other officers attending said courts, specifying the items and amount of such allowance and the aggregate thereof, at each and every term of said courts respectively; and further to make and deliver to the committee of Finance within ten days of the close of each term of said courts a true copy of said lists.

III. *And be it further enacted*, That the book kept by said committee of Finance, containing a register of their proceedings, and copies of the accounts by them settled with the public officers of said county, shall be, and is hereby declared to be the property of, and a record of said county, and (except when in use by the said committee of Finance) shall be, with the original of the accounts therein contained, and the vouchers thereto belonging, placed in the custody of the clerk of the Court of Pleas and Quarter Sessions.

IV. *And be it further enacted*, That it shall be competent for the committee of Finance aforesaid to make and adopt such rules and regulations as to time, and by whom claimants of debts due by said county, (those for jury services, or on account of the poor excepted) shall be paid, such rules and regulations being subject to alteration, amendment or repeal by said court, in manner and form as herein before prescribed; and further, that all acts or clauses of acts giving to the sheriff or his deputies power to take up such claims, or that directs the clerk of the County Court to enrol or list the same, or that come within the purview and meaning of this act, be, and they are hereby repealed.

V. And whereas, it operates as a serious grievance and loss to many of the good citizens of said county, that the pay allowed them as jurors is protracted long beyond the time of service; for remedy whereof, *Be it enacted by the authority aforesaid*, that it shall be competent for the Court of Pleas and Quarter Sessions of the county of Cumberland, at their session first to hap-



pen after the first day of January next, a majority of the acting justices of the county being present, if they deem the same expedient and proper, to increase the tax to pay jurors then to be laid to double the sum it now is; and to anticipate the said tax by a loan or loans, so as to provide that payment can be made at and after the expiration of that term of the County Court, and each and every term of the County and Superior Courts of said county thereafter to happen: *Provided always*, that if the court do not avail themselves of the power to increase said tax at said term, the court shall ever after be confined to their present limitation of the tax aforesaid.

VI. *Be it further enacted*, That this act shall be in force from and after the ratification thereof.

#### CHAPTER LXXXII.

An act to establish a poor house in Granville county, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That at the Court held for said county on the first Monday of May annually, the justices of said Court (the number required by law for electing sheriff's being present) shall appoint seven freeholders as wardens of the poor for said county, who shall have the same power and authority, and be subject to the same duties and penalties, as are now provided by law.

II. *Be it further enacted*, That said court shall have full power and authority, if they shall think proper to exercise it, an actual majority being on the bench, to lay and collect a tax, sufficient to purchase a suitable tract of land, within five miles of the court-house, for the purpose of erecting thereon suitable poor and work houses, and to cause to be built thereon, and kept in good repair, buildings, in which shall be maintained and employed such of the poor of said county as may be unable to obtain subsistence for themselves: *Provided*, That said wardens may otherwise provide for the support and maintenance of such poor, as in their opinion shall be fit subjects.

III. *And be it further enacted*, That the said court shall, at its term in May next, or at any term thereafter, appoint commissioners to contract for suitable land, and for erecting the necessary buildings thereon. if the said Court (an actual majority being on the bench) deem this measure advisable.

IV. *And be it further enacted*, That until the necessary buildings be erected, the wardens shall continue to be governed by the laws now in force; but as soon as said buildings shall be in readiness to receive the persons, for whose comfort they shall be erected, then the wardens appointed under this act shall have full power and authority to prescribe such rules and regulations as may be necessary or expedient to preserve the health and promote the comfort, morals and good government of the poor of said county committed to their charge, and to employ such superintendant as may be necessary to manage the poor and work house aforesaid, whose duty it shall be to keep at reasonable and moderate labour such as are committed to their charge, who are able to work, and to treat with all due kindness and humanity, and to provide for them sufficient and suitable diet, clothing, lodging, and other necessaries, and to enforce all orders, rules and regulations as the wardens of the poor shall from time to time establish; and in case of the neglect or refusal to discharge the duties required of said superintendant, he may at pleasure be removed, and shall further be indictable in the County Court, and, upon conviction, shall be fined at the discretion of said Court.



V. *And be it further enacted*, That said wardens shall annually, at the term the election thereof is to take place, and before said election shall take place, make a report to said Court, containing a full account of their receipts and disbursements, which shall be made satisfactory to said Court, be entered on the records, and a copy put up in the Court room thereof.

---

#### CHAPTER LXXXIII.

An act to repeal so much of the law now in force as provides for the payment of talismen jurors in the County or Superior Courts, so far as relates to the county of New-Hanover.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the law now in force, authorising the payment of talis jurors in the county of New-Hanover, be, and the same is hereby repealed and made void.

---

#### CHAPTER LXXXIV.

An act to repeal an act, passed in 1812, entitled "an act directing the time and manner of appointing overseers of roads in Richmond county."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That an act, passed in one thousand eight hundred and twelve, restricting the transaction of the road business of Richmond county to a particular term of the County Court, be, and the same is hereby repealed.

II. *And be it further enacted*, That public roads may be established, discontinued or diverted, overseers of roads appointed, and all other business relating to roads, transacted at any term of the County Court of said county, under the rules, regulations and restrictions prescribed by the public laws of this State.

---

#### CHAPTER LXXXV.

An act to incorporate Eastern Lodge, in the county of Pasquotank.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Master, Wardens and members of the Eastern Lodge, in the county of Pasquotank, be, and they are hereby constituted a body politic and corporate, by the name and style of "Eastern Lodge," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of the like nature.

---

#### CHAPTER LXXXVI.

An act to repeal in part an act, passed in the year 1820, entitled "an act to authorise and empower the commissioners of the several towns of Fayetteville, Newbern, Wilmington and Tarborough, to organize and keep up fire engine companies."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the above recited act be, and the same is hereby repealed, so far as the same relates to the town of Fayetteville.

---

#### CHAPTER LXXXVII.

An act to incorporate Fellowship Lodge, number eighty-four, in the county of Johnston.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Master, Wardens and



members, that are, and that shall hereafter be, of Fellowship Lodge, number eighty-four, in the county of Johnston, be, and the same are made and constituted a body corporate and politic, by the name of "Fellowship Lodge, number eighty-four," and by that name to have perpetual succession and a common seal, to hold and dispose of such property as they may acquire, to sue and be sued, to plead and be impleaded, and to enjoy and possess all such rights and powers as usually appertain to bodies corporate and politic.

#### CHAPTER LXXXVIII.

An act to repeal part of an act, passed in one thousand eight hundred and eighteen, entitled "an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain services."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited act, as relates to the county of Craven, is hereby repealed, except so much thereof as relates to the town of Newbern.

#### CHAPTER LXXXIX.

An act to authorise John Matthews to erect a gate on the public road leading to Matthews' ferry, in the county of Cumberland.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John Matthews be, and he is hereby authorised and empowered to erect a gate across the public road leading to Matthews' ferry, in the county of Cumberland, on the north west side of the Cape Fear river, and about one mile above the Clarendon bridge, subject to the same rules, regulations, restrictions and immunities, as other gates are in like manner authorised.

#### CHAPTER XC.

An act to divorce Judith De La Chapel from her husband Gabriel De La Chapel.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Judith De La Chapel, of Anson county, be, and she is hereby divorced from the bonds of matrimony with her husband Gabriel De La Chapel, late of Anson county, in as full and ample a manner as if the same had never been entered into; and that she be, and is hereby discharged from all duties, obligations and engagements as wife to said Gabriel De La Chapel aforesaid.

#### CHAPTER XCI.

An act to alter the dividing line between the counties of Stokes and Surry.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That an act, passed in the year one thousand eight hundred and eleven, establishing the south and western boundary of a tract of land formerly belonging to Samuel Kerby, as the dividing line between the counties of Surry and Stokes, be, and the same is hereby repealed and made void.

#### CHAPTER XCII.

An act to establish a distinct militia company and battalion muster in the county of Carteret.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the inhabitants of that



part of the county of Carteret which is between Ware creek and Black creek, subject to do militia duty, shall be, and hereby are formed into one company, and shall muster at James Bell's plantation, on the canal.

II. *Be it further enacted*, That the said company and the Beaufort company of militia shall form one battalion; and said battalion shall muster at Beaufort, under the same rules and regulations as govern the militia in other respects.

#### CHAPTER XCIII.

An act to repeal an act, passed in the year one thousand eight hundred and twenty two, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Bertie.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the above recited act be, and the same is hereby repealed, so far as respects the county of Bertie.

#### CHAPTER XCIV.

An act to amend an act, entitled "an act concerning the town of Salisbury," passed in the year one thousand eight hundred and twenty two, chapter fifty second, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the magistrate of police for the town of Salisbury be, and he is hereby required to receive in each and every year the lists of property and polls liable to taxation within the limits of said town, which said lists the magistrate of police shall in no wise receive, unless upon the oath of the person tendering said list, which said oath the magistrate is authorised to administer.

II. *Be it further enacted*, That the first five working days in March, in every year, are hereby established as the time in which the list of taxable property within the limits of said town shall be taken; and it shall be the duty of the magistrate of police to advertise at the court-house door in Salisbury, and four other public places within the limits of said town, at least ten days before the days herein established, for giving in the lists of taxable property and polls, the time and place when and where he will attend to receive the same.

III. *Be it further enacted*, That it shall be the duty of the magistrate of police to deliver to the town constable, or any other constable of Rowan county, within two days after the time herein before established for taking the list, a copy of the names of the persons who have given in their list of taxable property and polls, together with a warrant, directed to the said constable, commanding him to ascertain and summon every person liable to pay taxes within the limits of said town, and who had failed to make return on the days herein prescribed, to appear before said magistrate of police within five days, and make return of his taxable property and polls; and the constable shall have and receive for the service of said warrant, and making return of the same, with the names of such persons as he shall have summoned thereon endorsed, the sum of twenty cents for each and every person by him so summoned and returned; and the magistrate of police is hereby authorised to grant judgment and award execution against such delinquent, in favour of the constable, for the sum of twenty cents, unless paid by the defendant before or at the return of the said warrant: *Provided always*, that on every return so to be made by the constable, the magistrate of police shall administer to him an oath, in the following form, to wit: "You, A. B. do solemnly swear that the persons whose names you have endorsed on this warrant are liable to pay



taxes within the limits of the town, to the best of your knowledge and belief; and that you have duly summoned each and every of them, agreeable to the directions of this warrant: so help you God." And if any constable refuse or neglect to perform the duties by this act required, he shall forfeit and pay the sum of ten dollars for every such neglect or refusal, to be recovered by warrant, in the name of the commissioners of Salisbury, to be applied to the use of the said town, before the magistrate of police, or any justice of the peace in and for Rowan county.

IV. *Be it further enacted*, That all and every person or persons, whose names are so returned by the constable, who shall fail to deliver, or cause to be delivered to the magistrate of police his or their list of taxable property within the limits of said town, within the five days aforesaid, shall forfeit and pay a fine of one dollar, and a two fold tax on his taxable property and polls aforesaid, sickness or some unavoidable accident excepted, which, if offered as an excuse to the magistrate of police, may by him be judged of.

V. *Be it further enacted*, That all property and polls within the limits of said town liable to pay tax, and which shall not be returned to the magistrate of police within the time herein before limited for making their return, shall be liable to pay a two fold tax, and a fine of one dollar; and it shall be the duty of the magistrate of police to make return of a list of such property and the owners' names thereof at the time hereinafter limited for making his return of the general list to the commissioners of said town.

VI. *Be it further enacted*, That it shall be the duty of the magistrate of police, on or before the twentieth day of March in every year, to deliver, or cause to be delivered to the chairman of the board of commissioners of said town the lists of taxable property by him so taken, and also a list of the names of such persons as are liable to pay a two fold tax and fine as aforesaid, agreeable to the constable's return; and if any magistrate of police of said town shall refuse or neglect to perform the duties by this act required, he shall forfeit and pay the sum of fifty dollars for every neglect or refusal, to be recovered by warrant in the name of the commissioners of the town of Salisbury, for the use of the town, before any justice of the peace in and for Rowan county.

VII. *Be it further enacted*, That when the magistrate of police shall have filed his list of taxable property and polls as by this act required, then the commissioners of said town, or a majority of them, in each and every year, shall appoint three assessors, owners of real estate within the limits of said town, whose duty it shall be to value and assess the real estate within the limits of said town for the year, in which they are appointed; and the commissioners, or a majority of them, shall cause to be delivered to the assessors so appointed notice in writing of their appointment, together with the lists of taxable property as filed by the magistrate of police; and the assessors aforesaid shall proceed, within three days after they are notified of their appointment, to affix a value in dollars and cents to each individual's real estate, including the improvements thereon, contained in the said list delivered, and if the list delivered should contain real estate without the owner's name, the said assessors shall affix a value to all such estate in the same manner as if the owner's name was contained in the lists; and the said assessors are hereby required, after they shall have completed the assessment and a valuation as aforesaid, to file with the chairman of the board of commissioners, under their hands and seals, a fair and correct list, in alphabetical order, of the



names of the owners of real estate, the quantity of land, or town lots, and the value thereof; and where the owners are not known, they shall return the real estate, with the value annexed.

VIII. *Be it further enacted*, That the assessors, in making their lists, shall conform as nearly as may be to the form furnished them by the commissioners; and it shall be the duty of the assessors to perform the duties required of them by this act within ten days after they are notified of their appointment; and if the assessors aforesaid, or either of them, shall refuse or neglect to perform the duties by this act required, each of them shall forfeit and pay the sum of fifty dollars for every neglect or refusal, to be recovered by warrant, in the name of the commissioners of the town, to the use of the town, before the magistrate of police, or any justice of the peace in and for Rowan county.

IX. *Be it further enacted*, That if the assessors, or either of them, appointed under this act, shall refuse to perform the duties required, or shall be prevented by sickness or other unavoidable cause, then and in that case it shall be the duty of the commissioners of said town to make other and further appointments, as the case may require.

X. *Be it further enacted*, That the assessment and valuation so made by the assessors, shall be the data, upon which the commissioners, or a majority of them, shall found the tax which they may yearly direct to be levied on the real estate within the limits of said town.

XI. *Be it further enacted*, That all persons residing within the limits of the town of Salisbury, and all persons now residents, owning taxable property and polls within the limits of said town, shall attend at the time and place so to be appointed by the magistrate of police of the town, or other person appointed for that purpose, and shall return, on oath, (which oath the magistrate of police, or other person appointed, is authorised to administer,) a list in writing to the magistrate of police, or the person appointed, containing the quantity of land, within the limits of said town, by him, her or them owned, where situate, held by deed, by lease in right of dower, or otherwise, all town lots, with their improvements, the number and square, if known, all free males, and servants between the ages of twenty-one and forty-five, all slaves, male and female, between the ages of twelve and fifty years, which to him, her or them belong, or who lived in his, her or their family on the first day of February last past.

XII. *Be it further enacted*, That all taxable property within the limits of said town shall be returned by the tenants or occupants thereof, unless returned by the proprietors or owners, or the agent, attorney, trustee or guardian of the proprietor or owner; and when returned by the tenant or occupant, or person having the same in possession, such tenants, occupants, or persons having the same in possession, shall be liable to pay the taxes thereon assessed, unless it shall appear, in the return of such occupant or tenant, that the proprietor of said lot, or some other person, is bound to pay the taxes thereon.

XIII. *Be it further enacted*, That the town constable, or the person whom the commissioners, or a majority of them, shall appoint to collect the taxes, shall, within four days after he receives the tax lists, appoint a day and place within the limits of the town, when and where he will attend for the purpose of receiving from the inhabitants of said town, and from non-residents, the taxes required from each inhabitant or non-resident, agreeably to the list of taxable property and polls furnished him, as by this act directed; the said constable, or the person appointed by the commissioners, having first caused eight days previous notice of the time, place, and cause of his attendance to be giv-



en, by advertising the same at the court house door, and four other public places in the limits of said town; and if any person or persons so notified, shall neglect or refuse to pay, or cause to be paid on the day appointed his taxes as assessed, it shall and may be lawful for the said constable, or person so appointed to collect, to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing; and for every distress and sale so made, it shall and may be lawful for the constable, or person appointed to collect said taxes, to levy therewith the sum of forty cents for his services: *Provided always*, that the said constable, or person appointed to collect, shall give ten days previous notice of the public sale of the distress taken, and the amount of taxes due thereon, by advertisement at the court house door, and four other public places in the limits of said town, or by notice in any newspaper printed in said town.

XIV. *Be it further enacted*, That any person or persons failing to pay the taxes for which he, she or they may be liable, in due time, and according to the directions of this act, and having no visible personal property on which a distress can be made, but being possessed of real estate, the constable, or person appointed to collect the taxes, shall distrain on such real estate, and sell the same, or so much thereof as shall be sufficient for the payment of the taxes due and the costs of such sale, and shall convey the real estate so sold to the purchaser or purchasers, which conveyance shall be good and valid in law, the real estate to be sold being first advertised forty days in the newspaper printed in Salisbury, or some other paper printed in the State, and at four public places in the limits of said town; and the person so purchasing shall have liberty to select the part of the real estate so sold: *Provided always*, when it shall become necessary to sell real estate for the taxes due, the constable, or person appointed to collect the same, shall set up the whole of the real estate to be sold to the person who will pay the amount of taxes due, with all fees of office and charges for advertising the same in the newspaper, for the smallest quantity, and he shall strike off the quantity so bid, or offered to be taken for the amount of taxes, fees and charges aforesaid, to the person offering to take the smallest quantity for the taxes, fees and charges aforesaid: *And provided further*, that if no person shall bid a smaller quantity than the whole, then the whole of the real estate so set up shall be considered as a bid by the commissioners of the town, and the constable, or person appointed to collect the taxes, shall strike off the same to them accordingly, and execute a deed of conveyance to them, and their successors in office, for the use and benefit of said town.

XV. *Be it further enacted*, That whenever the town constable, or person appointed to collect the taxes, shall have reason to believe that any person, whose name may be on the list of taxable property returned as aforesaid, is about to remove himself or property without the limits of said town, whereby the payment of the taxes may be avoided, the constable, or person appointed to collect, shall have power to levy and collect the tax due from such person immediately, any law to the contrary notwithstanding: *Provided*, such Constable, or person appointed to collect, shall first make oath before the magistrate of police, or some justice of Rowan, that he has just reason to believe such person is about to remove him, herself, or property out of the limits of said town before the time of payment of his, or her, or their taxes shall arrive, and obtain a certificate from such justice to that effect.

XVI. *Be it further enacted*, That if any person holding lands, or any guar-



dian of a minor or lunatic, or person non compos mentis, shall fail to list the same as prescribed by this act, he, she, or they shall pay a double tax and a fine of one dollar, to be collected by the constable, or other person appointed to collect, out of his, her, or their property, by distress, as in the manner by this act prescribed.

XVII. *Be it further enacted*, That if any person or persons, who shall return his, her, or their taxable property and polls, and such as make no returns, and shall sell or dispose of the same before the taxes due thereon shall be paid, and shall remove out of the limits of the town, leaving no personal property therein, the person or persons purchasing such taxable property, and the said property shall be subject to the payment of all taxes due thereon, and shall be proceeded against, as in other cases herein before provided.

XVIII. *Be it further enacted*, That it shall be the duty of the clerk of the board of commissioners to record, in alphabetical order, in a book to be purchased for that purpose, the list of taxable property filed by the magistrate of police, and the assessment returned by the assessors; and the said clerk shall, on or before the fifteenth day of February in every year, furnish the magistrate of police with a fair alphabetical copy, at large, of the list of taxable property of the preceding year; and it is hereby declared to be the duty of the clerk, within ten days after the commissioners shall have laid the tax, to deliver to the town constable, or to the person whom they may appoint to collect the taxes, a fair and accurate copy of the return made by the magistrate of police in alphabetical order, and shall annex the valuation of each person's property, as made by the assessors, together with the amount of taxes due on each person's property; and for these services the clerk shall receive a reasonable compensation, to be paid out of the funds belonging to the commissioners.

XIX. *Be it further enacted*, That the town constable, or person appointed to collect the taxes, shall, within three months after the tax lists are placed in his hands, account for, and pay over to the treasurer of the board of commissioners all such sum or sums as he may be made liable and accountable for by virtue of his appointment; and such constable or collector shall have power and authority, at all times, within one year after such tax is due, to collect the same, notwithstanding he may be liable to, or may have paid and accounted for the same to the commissioners.

XX. *Be it further enacted*, That the town constable, or person appointed to collect, is hereby authorised to demand and receive, in all cases of distress, the sum of forty cents, and the expenses of advertising in the newspaper, whether he proceed to sell or not.

XXI. *Be it further enacted*, That the commissioners of the town of Salisbury, or a majority of them, shall and may, from time to time, make all such appropriations out of the funds of the board, as they, in their discretion, shall deem necessary, to advance the interest, promote the respectability, comfort and health of the citizens of said town; any law to the contrary notwithstanding.

XXII. *Be it further enacted*, That the commissioners, or a majority of them, are hereby authorised and empowered to cause to be collected all the arrears of taxes due the board of commissioners, under the rules and regulations in this act prescribed for the enforcing the payment of the taxes, after they are assessed.

XXIII. *Be it further enacted*, That if the magistrate of police shall refuse or neglect to perform the duties required of him by this act, or, from sickness,



or any other unavoidable cause. he is prevented from discharging the same, then and in that case the commissioners, or a majority of them, shall appoint some justice of the peace of Rowan county to perform the duties.

XXIV. *Be it further enacted*, That the commissioners, or a majority of them, shall deliver a warrant, by them signed, to the constable, or other person appointed to collect the taxes, in which it shall be stated that the said person is authorized to demand and receive the taxes.

XXV. *Be it further enacted*, That this act be, and the same is hereby declared to be in force from and after its passage.

#### CHAPTER XCV.

An act to establish a poor and work house in the county of Bertie.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the wardens of the poor of the county of Bertie, or a majority of them, as soon as they may deem it necessary after the passage of this act, to make application to the County Court of Pleas and Quarter Sessions of the aforesaid county, and the said court is hereby authorised and empowered, if deemed necessary by a majority of the justices in said county, (and not otherwise.) to lay such a tax as they may deem necessary for the purpose of procuring a piece of land, either by purchase or otherwise, within five miles of the court-house of said county, to build, or cause to be built thereon, a house or houses fit for the reception of the poor of said county, under which denomination shall be comprehended all such persons of either sex (having no property) as shall be adjudged incapable by the wardens, through age or infirmities, to procure subsistence for themselves; and the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, and see that they are humanely treated, and provided with suitable diet, clothing, lodging and fuel, and to enforce all such regulations as shall be established from time to time for the well ordering and governing the said poor; which regulations the said wardens are hereby empowered to make; and it shall be lawful for the said court to renew the imposition of said tax from year to year, if necessary, to complete the said building, or to defray the expenses that may be occasioned by keeping up the same; and the said overseer, for his services, shall be allowed for each year such sum as the wardens may deem adequate, to be paid out of the tax laid for that purpose; and the keeper or overseer of said poor is hereby required to keep at moderate labour such of the poor under his charge as he may deem capable of labour, and at the end of each and every year, shall account to the wardens of said county, on oath, for all such sums as may have arisen from the labour of said poor, and he or they shall make out a full and complete statement of all the expenses in carrying on and keeping up said poor house, a copy of which shall be stuck up at the door, or in the court-house of said county.

II. *And be it further enacted*, That the taxes imposed by virtue of this act shall be collected by the sheriff of said county, and paid over to the wardens, to be applied to the purposes before mentioned; any law to the contrary notwithstanding.

#### CHAPTER XCVI.

An act to amend an act, entitled "an act to amend an act, entitled 'an act directing the time and place of sales of land and slaves under execution in Rowan county.'"

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the ratifi-



ation of this act, all sales of slaves, the owners of which live in that part of Rowan, called the Forks of the Yadkin, may be had and made on the Friday preceding the Monday prescribed by the before recited act, as the days of sale for Rowan county, at Mocksville: *Provided*, that the sheriff shall have power and authority to postpone the sale to be had and made, at the courthouse of said county, on the days now prescribed by law, if in his opinion it will enhance the price of the property.

#### CHAPTER XCVII.

An act authorising David Craig, of the county of Rowan, to erect two gates on the public road leading to the South Yadkin river.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall and may be lawful for David Craig, of the county of Rowan, to erect and keep up two gates on the public road, passing through his plantation, and leading to the bridge on the South Yadkin river, one at said bridge, and the other on the extreme side of his farm, under the same rules, regulations and restrictions, as have been established, or hereafter may be established by law, for erecting and keeping any gate or gates across any of the public highways of the State; any law to the contrary notwithstanding.

#### CHAPTER XCVIII.

An act to amend an act, passed in 1822, entitled "an act to make compensation to the jurors of the counties of Franklin and Camden."

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the jurors of the original pannel of the County and Superior Courts of the county of Franklin shall hereafter be entitled to receive the sum of one dollar per diem, for every day they shall serve as jurors of the said Courts; and also at the rate of one dollar for every thirty miles travelling in going to and returning therefrom, to be paid in the same manner, and under the same regulations, as are at present prescribed by law.

II. *And be it further enacted*, That so much of the above recited act as fixes the compensation of the jurors aforesaid at eighty cents per diem, and at the rate of eighty cents for every thirty miles travelling, be, and the same is hereby repealed.

#### CHAPTER XCIX.

An act to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the trustees thereof.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Peter Evans, John F. Hughes, Alexander S. Cotten, William Tyson, John R. Scarborough, Samuel Ruffin, Peter Hines, David Phillips, Redden Sugg, Henry Cotten, El. Nathan Tart and Garrett Knight, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of the Trustees of Pleasant Grove Academy; and by that name shall have perpetual succession, and shall be able and capable in law to have, receive and possess any quantity of land and tenements, goods, chattels and monies, that may be given to them, and apply the same according to the will of the donor, and dispose of them when not forbidden by the terms of said gift. They may sue and be sued, plead and be impleaded, in any court of law within this State; shall



have power to appoint other and more trustees, and to fill the places of such as may die, remove, resign, or be incapable of acting, and to establish such laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals; elect a professor or professors, tutors and other officers, and to do and perform all such acts and things as are incident to, and usually exercised by bodies corporate, for the accomplishment of the contemplated object.

### CHAPTER C.

An act directing at what time the polls shall be closed at the separate elections in the counties of Martin and Gates.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That hereafter at each of the separate elections held in the counties of Martin and Gates for the election of Members of Congress, Members of Assembly, and Electors of President and Vice President of the United States, the polls shall be kept open until five o'clock in the afternoon on the day of such election, and no longer: *Provided*, that the separate elections held in said counties shall in all other respects be conducted as is now directed by law.

### CHAPTER CI.

An act supplemental to an act, passed at the present session of the General Assembly, entitled "an act to extend the provisions of an act, passed in one thousand eight hundred and twenty-four, entitled 'an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person,' to the county of Rowan."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the overseers of roads for the county of Rowan shall be appointed at August County Court in each and every year, and at no other time, any thing in the above recited act to the contrary notwithstanding, unless vacancies should occur by death or removal; and that said act shall not be in force until the first day of August next.

### CHAPTER CII.

An act to divorce Gideon B. Smith from his wife Eleanor.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Gideon B. Smith, of the city of Baltimore, Maryland, be, and he is hereby divorced from the bonds of matrimony with his wife Eleanor, in as full and ample a manner as if the same had never been entered into; and that he be, and is hereby discharged from all duties, obligations and engagements as husband to the said Eleanor.

### CHAPTER CIII.

An act to divide the regiment of militia in Rockingham county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the companies of militia in Rockingham county, at present commanded by Captains Watt, Wynne, Jarrell, Scales, Patterson, Suiter, Read and Ellington, shall compose the first regiment, and the companies at present commanded by Captains Lumbrick, Lowe, Shreaves, Iron, Grogan, Smith, Covington and Herreford, shall compose the second regiment.

II. *Be it further enacted,* That the commissioned officers of each regiment are hereby authorised and required to arrange the boundaries of each Captain's district, so as to constitute ten companies in each regiment.



III. *Be it further enacted*, That the commissioned officers of each regiment are hereby authorised to locate their respective parade grounds at such places as they, or a majority of them, may deem expedient.

#### CHAPTER CIV.

An act to amend an act, passed in 1803, entitled "an act to incorporate the town of Trenton, in Jones county."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the free male inhabitants of said town shall meet at the court house on the first Saturday in April next, and on the same day annually thereafter shall elect three commissioners, who shall be freeholders in said town; which election shall be held by three freeholders, under the same rules and regulations as other elections.

II. *And be it further enacted*, That the said commissioners shall have power and authority to pass such bye-laws and regulations for the government of said town, as shall not be inconsistent with the Constitution and laws of this State.

III. *And be it further enacted*, That all laws and clauses of laws coming within the purview and meaning of this act, be repealed.

#### CHAPTER CV.

An act in addition to the several acts heretofore passed concerning the town of Trenton, in Jones county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Christopher Bryan, Isaac Hathaway and Joseph Greene, be appointed commissioners, with power and authority to sell at some court in said county, on a credit of six months, all the lands within the town deed of Trenton, without the limits of said town, which has not heretofore been sold.

II. *Be it further enacted*, That said commissioners are hereby authorised and empowered to convey and make a title to all the land which they may dispose of under this act.

III. *Be it further enacted*, That all monies arising from the sale of said land shall be appropriated for the benefit of the county.

#### CHAPTER CVI.

An act to incorporate Farmers' Library Society, in the county of Northampton, and the Library Society of Greensborough, in Guilford county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the members of the Farmers' Library Society, in the county of Northampton, and the Library Society of Greensborough, in Guilford county, be, and they are hereby constituted bodies corporate and politic, and under the name and style aforesaid shall have perpetual succession and common seals, and be capable, by gift or otherwise, of taking, receiving, possessing or transmitting property, both real and personal, and applying the same to the benefit of said institutions, according to such rules as may be established from time to time for the good government thereof; and in all things in relation to the objects of the associations, to have, enjoy and exercise the powers and privileges usually belonging and appertaining to such corporations.

II. *Be it further enacted by the authority of the same*, That the said societies, and their successors, by the name and style aforesaid, may sue and be sued, plead and be impleaded, and they shall have power and authority to make



such bye-laws and regulations as they may think proper, for the due ordering of the several matters appertaining to the said institutions, not inconsistent with the Constitution and laws of this State.

#### CHAPTER CVII.

An act to declare in force in the county of Rowan, the provisions of an act, passed in the year 1824, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the provisions of an act, passed in the year one thousand eight hundred and twenty-four, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person," are hereby extended to, and declared to be in full force in the county of Rowan; any law to the contrary notwithstanding.

#### CHAPTER CVIII.

An act to incorporate Ebenezer Academy, in the county of Person.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Willis L. Taylor, William L. Graham, William A. Lea, William Lea, Daniel Malone, Nicholas Thompson and Elijah Morton, of the county of Caswell, John Bradsher, Col. Jesse Bradsher, Hiram Dollerhide, Kindle Vanhook, Archibald Lipscombe, Maurice Smith and Thomas P. Evans, of the county of Person, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name and style of "The Trustees of Ebenezer Academy, of Person county," and by that name and style shall have perpetual succession and a common seal, and they, or a majority of them, or their successors, shall be able and capable in law to take, demand, receive and possess money, goods and chattels, lands and tenements, for the use and benefit of said Academy, and apply the same according to the will of the donor.

II. *And be it further enacted,* That the said trustees, or a majority of them, and their successors, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court of this State, and to do all such acts and things as may be necessary and proper to be done by bodies corporate for the advancement and promotion of science in said institution, not inconsistent with the laws of this State.

III. *And be it further enacted,* That whenever any of the aforesaid trustees shall die, remove or resign, or by any other means become incapable of performing their duties as trustees of said institution, a majority of the remaining trustees shall elect some fit and suitable person or persons in his or their stead, who shall have the same powers as their predecessors.

#### CHAPTER CIX.

An act to divorce Elizabeth Brickell, of Halifax county, from her husband Samuel Brickell, and to alter her name.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Elizabeth Brickell, of the county of Halifax, formerly Elizabeth Johnson, be, and she is hereby divorced from her husband Samuel Brickell, as fully, completely and entirely, as though she had never been married to him.

II. *And be it further enacted,* That the name of the said Elizabeth Brickell shall be, and is hereby changed and altered to that of Elizabeth Johnson.



## CHAPTER CX.

An act to incorporate La Fayette Lodge, No. 83, in Onslow county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Master, Wardens and Members which at present are, or hereafter may be of "La Fayette Lodge," in Onslow county, are hereby constituted and declared to be a body corporate and politic, by the name of the "La Fayette Lodge;" and by that name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and hold, alien and transfer property, and pass all such rules, regulations and bye-laws, as shall not be inconsistent with the constitution and laws of the State.

## CHAPTER CXI.

An act to repeal an act, passed in the year one thousand eight hundred and twenty two, entitled "an act to exempt certain citizens of Hyde county from public duty."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the provisions of the above recited act be, and the same are hereby repealed.

## CHAPTER CXII.

An act to incorporate the Abbott's Creek Library Society, in the county of Davidson.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the persons, who now are, or may hereafter become members of the Abbott's Creek Library Society, in the county of Davidson, be, and they are hereby constituted a body corporate, and under that name and style shall have perpetual succession, and be capable, by gift or otherwise, of taking, possessing and transmitting property, real and personal, and in all things relating to the objects of the said association, to have, enjoy and exercise the powers and privileges usually belonging and appertaining to corporations aggregate.

## CHAPTER CXIII.

An act to make compensation to the jurors of the Superior and County Courts of Randolph county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all jurors (talismen excepted) who shall be regularly summoned to attend the Superior and County Courts of Randolph county, shall be entitled to receive for each and every day's attendance, the sum of one dollar, and the like sum for every thirty miles travelling to and from said courts.

II. *Be it further enacted,* That every juror who shall be summoned, and attend as aforesaid, shall prove his attendance on oath before the clerk of the court in which he may have so served, and the clerk shall give him a certificate of the same, which being presented to the county trustee of said county, shall be paid by him out of the funds set apart for that purpose.

III. *Be it further enacted,* That the Court of Pleas and Quarter Sessions of said county are hereby required to lay such a tax from time to time, as they may deem expedient, for the purpose of carrying the provisions of this act into effect.

IV. *Be it further enacted,* That this act shall be in force from and after August Court next; and that all laws and clauses of laws coming within the meaning and purview of this act, are hereby repealed.



## CHAPTER CXIV.

An act to appoint commissioners for the town of Bath, in the county of Beaufort, and for the better regulation of said town.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John O. Boyd, James B. Marsh and Joseph Bonner, be, and they are hereby appointed commissioners for the town of Bath, in the county of Beaufort; and it shall be their duty, or the duty of a majority of them, to advertise in the most public manner, for all persons who have fenced up, or by any other means obstructed the streets in said town, to remove such obstructions on or before the first day of May next, under the penalty hereinafter prescribed.

II. *And be it further enacted,* That if the said obstructions shall not be removed before the first day of May next, the person or persons refusing and neglecting to comply with the requisitions of this act shall forfeit and pay the sum of five dollars, to be recovered before any jurisdiction having cognizance thereof, and to be applied by the said commissioners for the purpose of keeping the streets of the said town in repair.

III. *And be it further enacted,* That for each and every month after the first day of May next, that any person or persons shall continue to fence up or otherwise obstruct the streets of said town, and shall neglect or refuse to remove the same, after being notified as aforesaid, he, she or they shall forfeit and pay the sum of five dollars, to be recovered and applied as aforesaid; any law to the contrary notwithstanding.

IV. *And be it further enacted,* That the said commissioners be, and they are hereby appointed a body politic and corporate; shall have perpetual succession and a common seal; and that said commissioners, or a majority of them, shall have power to sue, and may be sued, plead and be impleaded, and shall have power to adopt such bye-laws and regulations (not inconsistent with the Constitution and laws of this State) as may be necessary for the good government of said town.

V. *And be it further enacted,* That should a vacancy happen among said commissioners from any cause whatsoever, it shall be the duty of the survivor or survivors to fill said vacancy, by appointing some suitable person or persons, who may be an inhabitant of said town, to act as commissioner.

## CHAPTER CXV.

An act to provide for the payment of jurors of the county of Nash.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a majority of the justices of the peace for the county of Nash shall have power, and are hereby required and directed, at the first court which shall be holden for said county after the first day of May next, and annually thereafter, to lay a tax on the polls and other taxable property of said county, to pay the jurors attending the County and Superior Courts of said county, as hereinafter prescribed.

II. *And be it further enacted,* That the tax so laid shall be collected and paid over by the sheriff to the county trustee of said county, for the purposes herein specified, under the same rules, regulations, and restrictions as other county taxes.

III. *Be it further enacted,* That in addition to the fund so raised, a tax of one dollar, in addition to the tax already imposed by law, is hereby laid on every suit hereafter brought to the Court of Pleas and Quarter Sessions, or



to the Superior Court, or Court of Equity of Nash county, in which a jury shall be required; which tax shall be collected by the clerks of said courts, and accounted for to the county trustee, as other taxes on law proceedings are required to be collected and accounted for.

IV. *And be it further enacted*, That all jurors (talismen excepted) who shall serve in any of the Superior or County Courts of said county, shall be entitled to receive for every days service the sum of eighty cents, and the sum of two cents for every mile travelling to and from said court: *Provided*, that nothing herein contained shall be construed as to allow jurors to draw pay until the February term of the County Court of said county which shall happen in the year one thousand eight hundred and twenty-seven.

V. *And be it further enacted*, That all jurors as aforesaid, who shall serve after that time, shall be allowed pay as aforesaid, and shall prove their attendance before the clerk of the court, in which they may so serve, who shall grant them a certificate for the same, for which the clerk shall be allowed ten cents, to be included in the certificate, which, on being presented to the county trustee, shall be paid by him, as other county claims, out of the monies appropriated and set apart for that purpose.

#### CHAPTER CXVI.

An act authorising Joseph Welsh, of the county of Haywood, to erect two gates on the public road, called the "Smoky Mountain Turnpike Road;" and Josiah Holly, of Bertie county, to erect and keep up a gate on his land across the road leading to Colerain Landing.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall and may be lawful for Joseph Welsh, of the county of Haywood, to erect and keep up two gates on the public road passing through his plantation, called the Smoky Mountain Turnpike Road, one at each end of his plantation, under the same rules, regulations and restrictions as have been or hereafter may be established for erecting and keeping any gate or gates across any of the public highways of this State; any law to the contrary notwithstanding.

II. *Be it further enacted*, That Josiah Holly, of the county of Bertie, be, and he is hereby authorised to erect and keep up a gate on his own land, across the road leading to Colerain Landing, from the fifteenth of March until the tenth of May in each year.

#### CHAPTER CXVII.

An act to authorise the Courts of Pleas and Quarter Sessions of Carteret and Jones counties to appoint special justices of the peace, and making compensation to such justices for certain services.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful for the justices of the Court of Pleas and Quarter Sessions of Carteret and Jones counties, at the term of appointment of sheriffs in said counties, a majority of said justices being present, and concurring in the appointment, to select and nominate such and so many of the justices of their counties as they think proper, to act in said counties as special justices for one year; and the said justices so elected, shall be entitled to demand and receive the following fees for their services, that is to say: For every affidavit not on the trial of a case, ten cents; for every warrant or attachment, ten cents; for every subpoena or



order to summon a witness, five cents; for every judgment rendered upon every warrant, twenty-five cents; for granting an appeal or stay of execution, ten cents; for every execution, ten cents; for taking the deposition of any witness under a commission from any court of justice, fifty cents; which fees may be recovered and collected as other fees to officers are or may be collected: *Provided*, that not more than one special justice be appointed in the town of Beaufort.

II. *Be it further enacted*, That the justices receiving such special appointment, shall, notwithstanding the said appointment, retain, use, and exercise all and every right and privilege of other justices of the peace within his county, and may, at pleasure, resign the said special appointment.

#### CHAPTER CXVIII.

An act to keep open the French Broad River, in the county of Buncombe, and the Tennessee River, in the county of Haywood, for the passage of fish.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all owners of fish traps on French Broad river, up to the three forks of the same, in the county of Buncombe, shall be required so to construct their dams, that at least one third part of the width of the river shall be kept open for the passage of fish, under the penalty of ten dollars for every day such obstruction shall be continued after the first day of April next, to be recovered by any person suing for the same, before any jurisdiction having cognizance thereof.

II. *And be it further enacted*, That all persons having fish traps on the Tennessee river, in the county of Haywood, from the Tennessee boundary line to the mouth of the Sugar Town Fork, thence up the Sugar Town Fork to the mouth of Elijay creek, shall be required so to construct their dams, that one fourth of the whole width of the river shall be open and free for the passage of fish, after the first day of April next, under the same pains and penalties, and to be recovered in the same manner prescribed in the first section of this act.

#### CHAPTER CXIX.

An act to establish a Poor House in the county of Burke.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the wardens of the poor of the county of Burke, or a majority of them, as soon as they may deem it necessary after the passage of this act, to make application to the Court of Pleas and Quarter Sessions of said county, and the said Court is hereby authorised and empowered, if deemed necessary by a majority of the justices, to lay a tax, not exceeding ten cents, on every poll, five cents on every hundred dollars worth of land and town property, to be collected and accounted for as other taxes, with the wardens of said county; which taxes, when collected, shall be paid into the hands of the wardens aforesaid, who are required immediately thereafter to lay out the same at the best advantage in procuring a piece of land, by purchase or otherwise, within five miles of the town of Morganton, and to build, or cause to be built thereon, a house or houses for the reception of the poor of said county, under which denomination shall be comprehended all such persons, of either sex, as shall be adjudged by the wardens incapable, from old age or infirmities, to procure subsistence for themselves; and the said wardens shall appoint a keeper or overseer of the



poor aforesaid, whose business it shall be to preserve good order, see that they are humanely treated, and provided with suitable diet, clothing, and fuel, and to enforce all such regulations, as may be established, from time to time, for the well ordering and governing the said poor, which regulations, said wardens are hereby empowered to make.

II. *And be it further enacted*, That it shall be lawful for said County Court to renew the imposition of said taxes, from year to year, if necessary, either to complete said building or buildings, or for defraying the expenses that may be occasioned by keeping up the same; and the said overseer, for his services, shall be allowed for each year such sum or sums as the wardens may deem adequate for his services, to be paid out of the tax laid for that purpose.

III. *Be it further enacted*, That the overseer or manager of the poor in said county is hereby required to keep at moderate labor all such of the poor under his care, as he shall judge capable of labor; and at the end of each and every year, shall account to the wardens of said county, on oath, for all such sum or sums which may have arisen from the labor of said poor, and have the same deducted from the amount of their expenses; any law to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said wardens to apply all such surplus funds as shall be on hand to the carrying into effect the object of this act.

#### CHAPTER CXX.

An act to amend an act, entitled "an act for the better regulation of the town of Murfreesborough, in the county of Hertford, and to enlarge the same."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John Wheeler, Daniel Southall, James Morgan, Lawrence O'Bryan, Isaac Pipkin, Thomas Maney and Tristiam Capehart, be, and they are hereby authorised and appointed to lay off and extend the limits of the town of Murfreesborough to such extent as they, or a majority of them, may deem proper, not exceeding however one hundred and fifty acres; which addition, when so laid off, shall be considered in all respects as constituting a part of said town.

II. *And be it further enacted*, That the commissioners hereafter elected, shall, in addition to the authority vested in them by the said act, have full power to establish such rules and regulations as they may think necessary for the prevention and removal of all nuisances from said town, and for the good government of all persons during their continuance within its limits; which rules, when established, shall be binding to all intents and purposes as if specified in this act: *Provided*, they be not repugnant to the constitution or statutes of this State, or of the United States.

III. *And be it further enacted*, That this act shall be in force from and after the ratification thereof.

#### CHAPTER CXXI.

An act to locate the poor house of Davidson county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the County Court of Davidson, a majority of the acting justices of the county being present, to appoint three commissioners, whose duty it shall be to erect or repair suitable buildings for the reception of the poor of said county upon the tract of land belonging to the county, and situate at Marion.



II. *Be it further enacted*, That the expense of such building or repairs shall be reported by the commissioners to the County Court of Davidson, and upon their allowing the same, shall be paid by the wardens of said county out of the fund arising from the tax levied for the support of the poor.

III. *Be it further enacted*, That upon the completion of the necessary buildings and the expiration of the then existing contract for the maintenance of the poor, it shall be the duty of the wardens of said county to place the poor of their county in the house or houses so erected for their reception, and there to be supported and governed in the manner prescribed by the provisions of an act, passed in one thousand eight hundred and eighteen, entitled "an act to establish a poor house in the county of Rowan."

#### CHAPTER CXXII.

An act to incorporate Line Academy, in the county of Sampson.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thomas Kenan, Daniel L. Kenan, John W. Whitfield, James M. Nixon, William Wright and John Beck Wright, of Duplin; Daniel Joyner, Thomas K. Morisey, William Morisey, Curtis Thompson, Wright Faison, Thomas J. Faison and John Haywood Hicks, of Sampson county, be, and they are hereby constituted a body politic and corporate, by the name and style of "the trustees of Line Academy," and by that name may sue and be sued, plead and be impleaded; shall have perpetual succession and a common seal, and in general shall have, exercise and enjoy all such rights, powers and privileges, as are usually exercised and enjoyed by the trustees of any incorporated Academy in this State.

II. *Be it further enacted*, That any five of the said trustees may constitute a quorum for the transaction of business, and that on the death, refusal to act, or removal out of the State of any of the trustees, the remaining trustees shall have the power to fill the vacancies occasioned thereby.

#### CHAPTER CXXIII.

An act to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Washington.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Courts of Pleas and Quarter Sessions of the county of Washington shall be held on the third Monday of February, May, August and November, in each and every year.

II. *And be it further enacted*, That the court which was to be held on the third Monday of April, 1826, shall be held on the third Monday of May, 1826; to which time all matters and things in the said courts shall stand adjourned; and that all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

III. *And be it further enacted*, That this act shall be in force from and after the ratification thereof.

#### CHAPTER CXXIV.

An act to repeal all the private acts heretofore passed for the regulation of the patrol of Richmond county, so far as the same relates to the county of Richmond.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all private acts heretofore passed for the regulation of the patrol of Richmond county, be, and the same are hereby repealed, so far as they relate to said county.



## CHAPTER CXXV.

An act to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Robert Martin, Nathaniel Scales, jr. James Scales, Thomas Smith, Samuel Smith and Henry Baughn, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name and style of "The Trustees of Shady Grove Academy;" and by that name and style shall have perpetual succession and a common seal, and they, or a majority of them, or their successors, shall be able and capable in law to take, demand, receive and possess money, goods, and chattels, lands and tenements, for the use of the said Academy, and apply the same according to the will of the donor.

II. *And be it further enacted,* That the said trustees, or a majority of them, and their successors, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court of this State, and to do all such acts and things as may be necessary and proper to be done by bodies corporate, for the advancement and promotion of science in said institution, not inconsistent with the laws of the State.

III. *And be it further enacted,* That whenever any of the aforesaid trustees shall die, remove, resign, or by any other means become incapable of performing their duties as trustees of said institution, a majority of those remaining shall elect some fit and suitable person or persons in his or their stead, who shall have the same powers as their predecessors.

## CHAPTER CXXVI.

An act giving exclusive jurisdiction to the Superior Court of Anson of pleas and prosecutions of the State.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That after the first day of March next, the Superior Court of Law for the county of Anson shall have exclusive jurisdiction of pleas and prosecutions of the State: *Provided, however,* that nothing herein contained shall prevent the Court of Pleas and Quarter Sessions of said county from trying and determining any pleas and prosecutions which are now pending, or may be commenced before or at the next January term of said court, and proceeding to judgment on the same, as though this act had never been passed.

II. *Be it further enacted,* That the said County Court of Anson shall hereafter appoint not more than sixteen petit jurors, who shall be freeholders, to serve at said court, who shall be drawn and summoned in the same manner, subject to the same penalties, their places of default of appearance to be supplied by talismen in the same way, and to be governed in all other respects by the laws now in force regulating jurors to the County Courts.

## CHAPTER CXXVII.

An act to incorporate the trustees of the Colerain Academy, in the county of Bertie.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That William I. Newborn, Josiah Holly, Thomas Holly, William Ethridge, Stephen Thaytch, James Wilson, James Freeman, Sampson Wilder, John Winborn, Robert Henry and William Sparkman, be, and they are hereby constituted a body politic and



corporate, by the name and style of the Colerain Academy; and by that name may sue and be sued, plead and be impleaded, shall have perpetual succession and a common seal, and in general shall have, exercise, and enjoy all such rights, powers and privileges as are usually exercised and enjoyed by the trustees of any incorporate Academy in this State.

II. *Be it further enacted*, That on the death, refusal to act, or removal out of the State of any of the trustees, the remaining trustees shall have power to fill the vacancies thereby occasioned.

#### CHAPTER CXXVIII.

An act to amend an act, entitled "an act to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, Columbus, Currituck, Craven, Sampson, Tyrrell and Bladen to appoint a committee of Finance," passed in the year one thousand eight hundred and twenty-two, so far as relates to the county of Bladen.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the Finance committee of the county of Bladen are authorised and fully empowered, and it shall be their duty not only to call to a settlement the officers recited in the said act of one thousand eight hundred and twenty-two, but in case of death, their legal representatives; and shall also have power to call on the wardens of poor of said county, and their representatives.

II. *And be it further enacted*, That all the provisions contained in the said act of one thousand eight hundred and twenty-two shall apply in case of death as fully to their legal representatives as to themselves, were they living; any law to the contrary notwithstanding.

#### CHAPTER CXXIX.

An act to appoint commissioners to lay off a road from John Harden's to Ashe Court House, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That David Miller, Philip Church, George Tatem, Thomas Brown and Richard Green, be, and they are hereby appointed and commissioned to lay off a road from John Harden's to Ashe Court House; and when said road is so laid out, it shall be cut and cleared out as other public high ways are cut and cleared out by order of court.

II. *And be it further enacted*, That when said commissioners have performed the duty by this act required, they, or a majority of them, shall at the next County Court return to the clerk of the said court a statement of all their proceedings in and about said road.

#### CHAPTER CXXX.

An act to authorise a certain number of justices of the peace for the county of Edgecombe to appropriate the county monies.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the Court of Pleas and Quarter Sessions of the county of Edgecombe, twelve justices being present, shall have power and authority to appropriate any sum or sums of money in the hands of the county trustee, which may be necessary for the discharge of any demand or demands against the county, any law to the contrary notwithstanding; *Provided*, that one at least of the aforesaid justices shall reside in one of the four battalions in said county.



## CHAPTER CXXXI.

An act respecting the Court of Pleas and Quarter Sessions in the county of Tyrrell.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall not be lawful hereafter for the Court of Pleas and Quarter Sessions of the county of Tyrrell to appoint, or direct to be summoned, any jury to attend at any other terms of said court, except at January and July terms in each and every year; any law to the contrary notwithstanding.

## CHAPTER CXXXII.

An act to regulate the Tarborough Academy, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That five trustees of the Tarborough Academy shall be a quorum sufficient for the transaction of business, and the regulation of the concerns of the institution; any former law to the contrary notwithstanding.

## CHAPTER CXXXIII.

An act to establish Lexington Academy, in the county of Davidson, and to incorporate the trustees thereof.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Joseph Conrad, William R. Holt, Jesse Hargrave, Benjamin Sherwood and Robert Foster, be, and they are hereby constituted a body politic and corporate, by the name and style of the "trustees of the Lexington Academy;" and by that name may sue and be sued, plead and be impleaded, shall have perpetual succession and a common seal, and in general shall have, exercise and enjoy all such rights, powers and privileges, as are usually exercised and enjoyed by the trustees of any incorporated Academy within this State.

II. *Be it further enacted,* That any three of the said trustees may constitute a quorum for the transaction of business; and that on the death, refusal to act, resignation or removal out of the State of any of the trustees, the remaining trustees shall have power to fill the vacancies thereby occasioned.

## CHAPTER CXXXIV.

An act to authorise the trustees of the Salisbury Academy to raise by way of Lottery ten thousand dollars.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the trustees of the Salisbury Academy be, and they are hereby authorised to raise, by way of Lottery, the sum of ten thousand dollars; and that this act be in force from and after the ratification thereof.

## CHAPTER CXXXV.

An act to alter the times of holding two of the County Courts in the county of Brunswick.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Court of Pleas and Quarter Sessions of the county of Brunswick, which is usually held in April, shall in future be held on the first Monday in May; and that the October Sessions of said court shall in future be held on the first Monday in November, in each and every year.

II. *Be it further enacted,* That this act be in force from and after the ratification thereof.



## LAWS OF NORTH CAROLINA.

## CHAPTER CXXXVI.

An act concerning the Court of Pleas and Quarter Sessions of the county of Bladen.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That at the first term of the Court of Pleas and Quarter Sessions of the county of Bladen which shall happen after the first day of January next, it shall be the duty of the justices of said court, seven of them being on the bench, to designate and set apart two terms of said court in each and every year, for the transaction of all business where the intervention of a jury may be necessary; and it shall not be lawful for said court to appoint or direct a jury to be summoned to attend any other terms of said court, except those so designated and set apart; any law to the contrary notwithstanding.

## CHAPTER CXXXVII.

An act to keep open, for the passage of fish, Main White Oak River, in the county of Rutherford.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all owners of fish traps on Main White Oak River, in the county of Rutherford, from its junction with Green River to John Mills' mills, shall be required so to construct their dams, that from and after the first day of March next one third of the whole width of the stream shall be, and continue open for the passage of fish, under the penalty of ten dollars for every day such obstruction shall be continued, to be recovered by any person suing for the same before any jurisdiction having cognizance thereof.

## CHAPTER CXXXVIII.

An act to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe."

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited act as takes from the Superior Courts of Law for said counties concurrent jurisdiction with the Courts of Pleas and Quarter Sessions in said counties over post roads, or roads laid out by order of the State, or hereafter to be laid out by order of the State, or roads for the construction or repair of which the State has made, or shall make any appropriation, be, and the same is hereby repealed.

## CHAPTER CXXXIX.

An act to divorce John Chambers, of the county of Haywood, from his wife Rainey.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John Chambers, of the county of Haywood, be, and he is hereby divorced from the bonds of matrimony from his wife Rainey, in as full and ample a manner, as if the same had never been entered into; and that he be and is hereby discharged from all duties, obligations and engagements as husband to said Rainey.

## CHAPTER CXL.

An act to alter the time of holding the Court of Pleas and Quarter Sessions of the county of Person.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage



of this act, the Court of Pleas and Quarter Sessions for the county of Person shall be held on the third Monday of March, June, September and December, in each and every year.

II. *And be it further enacted*, That all process from the last term of the said County Court shall be extended to, and returned to the court to be held under this act on the third Monday of March next.

#### CHAPTER CXLI.

An act to repeal part of an act, passed in the year one thousand eight hundred and twenty, entitled "an act to establish separate Courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the above recited act as requires Courts of Probate to be held in the county of Pasquotank, in any other month than in the month of February, be and the same is hereby repealed.

#### CHAPTER CXLII.

An act concerning the militia of the county of Montgomery.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Court of Pleas and Quarter Sessions of the county of Montgomery be, and they are hereby authorised and empowered, should they deem it expedient, to appoint three commissioners for the purpose of contracting for fifteen acres of land, at or within four miles of the court house, on terms the most reasonable, and at a place the most suitable for mustering.

II. *Be it further enacted*, That the said court be, and they are hereby authorised to lay a tax on the inhabitants of said county sufficient to defray the expense which may be incurred by the provisions of this act.

#### CHAPTER CXLIH.

An act to incorporate University Lodge, in the county of Orange.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Master, Wardens and Members which at present are, or in future may be of University Lodge, number eighty, in Orange county, are hereby constituted and declared to be a body corporate, under the name and style of University Lodge, number eighty; and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such bye-laws and regulations, as shall not be inconsistent with the constitution and laws of this State, or of the United States.

#### CHAPTER CXLIV.

An act to provide more effectually for the poor of Tyrrell county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the wardens of the poor of the county of Tyrrell, at their first meeting that shall happen after the first day of April next, be, and they are hereby required to lay an additional tax, not exceeding ten cents, on every free and black poll, and the like sum on every three hundred dollars value of land, to be collected and applied to the use and maintenance of the poor of said county, under the same rules, regulations and restrictions, heretofore prescribed by law; any law or usage to the contrary notwithstanding.



## CHAPTER CXLV.

An act to incorporate the Agricultural Society of Stokes county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the present members of the Agricultural Society of Stokes county, and such as may hereafter be admitted into the same, be, and they are hereby constituted a body corporate and politic, by the style of the Stokes Agricultural Society; and by that name shall sue and be sued, plead and be impleaded, receive, enjoy, transfer real and personal estate, and further to make such rules and regulations for the government of said society as they may think best calculated to promote the welfare of the institution.

## CHAPTER CXLVI.

An act to amend the first section of an act, passed in 1819, concerning the town of Concord.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the commissioners which may be elected for the town of Concord, on the first day of March, 1826, and their successors, shall have power to elect a town constable, whose duty it shall be to collect the tax laid by the commissioners aforesaid, and do and perform such other duties relating to the prosperity and well being of said town, as they by the laws shall direct.

## CHAPTER CXLVII.

An act to regulate the time of closing the polls at the several elections in the counties of Lenoir and Carteret.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the poll-keepers at the different places of election in the counties of Lenoir and Carteret to close the same at five o'clock in the afternoon; and in case of failure, shall be subject to the same penalties as are now prescribed by law; and that the decision of the sheriff or his lawful deputy, together with the inspectors holding the election, as to the arrival of the hour, shall be conclusive.

## CHAPTER CXLVIII.

An act to authorise the County Court of Robeson to perfect title for land, whereon to erect a new jail.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the County Court of Robeson county is hereby empowered to confirm any contract which hath or shall be made for a lot or piece of land in the town of Lumberton, for the purpose of erecting a jail thereon; and a deed executed to the chairman of the court for the county of Robeson, and his successors, agreeably to the terms of the contract, shall vest in them, for the benefit of the county, such title as the said deed may purport to convey.

Read three times and ratified in General Assembly, 2  
the 4th day of January, 1826. 5

JOHN STANLY, S. H. C.  
B. YANCY, S. S.

A true Copy. WM. HILL, Sec'y.



## RESOLUTIONS,

Passed by the General Assembly of 1825.

---

*Resolved, by the Senate and House of Commons of the State of North-Carolina,* That the Government of the United States, in a treaty it made with certain Cherokee Indians, on the 27th February, 1819, for lands in this State, having "agreed to allow a reservation of six hundred and forty acres to each head of an Indian family residing within the ceded territory who should choose to become citizens of the United States, in manner stipulated in said treaty," did, without the consent of this State, appropriate a considerable part of the most valuable land of the territory acquired under the treaty to the use of the said Indians, which lands belonged exclusively to this State; and that, to prevent any difficulty arising under the treaty or dissatisfaction to the Indians, with sentiments of respect and attachment to the Government of the Union, and with a view to that humane and liberal policy which has always distinguished the conduct of the United States towards the Indian tribes, this State has purchased, at a full and fair price, the interest and estate of the said Indians in part in the aforesaid lands reserved, for the sum of \$19,940, which has been paid in equitable proportions, and to the entire satisfaction of the said Indians, and which sum ought to be refunded to this State by the United States.

*Resolved,* That this State having ceded to the United States a large tract of country on the waters of the Mississippi, which constitutes a valuable portion of the public lands, the Government of the United States ought, upon principles of moral justice, to extinguish, as soon as may be practicable, the Indian title to the balance of lands in this State, upon which a part of the Cherokee Indians now reside; and that the said Government be respectfully requested to give this subject an early consideration.

*Resolved,* That the Senators from this State in the Congress of the United States be instructed, and the Representatives requested to make application to Congress for an appropriation of money for the objects aforesaid; and that they be requested to co-operate with the Legislature in such manner as may seem to them expedient and compatible with the honor and interest of this State.

*Resolved,* That the Governor of this State be requested to transmit to each of the Senators and Representatives from this State in Congress a copy of the aforesaid resolutions.

---

*Resolved,* That the Treasurer be, and he is hereby instructed to indulge, for twelve months, Thomas Lanier and Hardy Wood, of Franklin county, against whom the State has a judgment, as securities of Jordan Denson, late Sheriff of said county: *Provided,* the said Thomas Lanier and Hardy Wood shall give bond and approved security within twenty days after the rise of the General Assembly, to pay the said judgment, interest and costs at the expiration of the said term of credit.



*Resolved*, That the sum of two hundred dollars be, and the same is hereby appropriated out of the fund set apart for Internal Improvements, for the purpose of completing the road leading from Wilkesborough, over the Brushy Mountain, at Green's Gap, to the widow Bogle's, in Iredell county.

*Resolved, by the General Assembly of the State of North-Carolina*, That the deeds of conveyance and release from certain individuals of the Cherokee nation, taken by the commissioners in behalf of the State, appointed under an act of the last General Assembly, entitled "an act to carry into effect a contract entered into by Benjamin Robinson and William Robards, commissioners on behalf of the State, with certain Cherokee Indians, in the said contract named," be transferred from the Executive office to the office of the Secretary of State.

WHEREAS it hath pleased Almighty God, in his wise providence, to visit many of our race with mental maladies, producing obscurations of the light of reason, sometimes partial and temporary, and sometimes total and permanent; and whereas it hath been ascertained by experience that these maladies, like those of the body, are capable of cure, and often yield to skilful and judicious treatment; and whereas the management of these affections of the mind requires the use of means which can only be successfully applied in institutions set apart for that purpose; and whereas the sufferers under such calamities have a just claim upon the sympathy and assistance of all who themselves enjoy the inestimable blessing of sound understanding; and whereas in other nations and in other states assylums munificently endowed have been established by public authority, manifesting this sympathy and affording this assistance, whose exertions have been signally blest and prospered by the Almighty; and whereas in this work of enlightened benevolence, dictated by humanity, approved by religion, and encouraged with success by Heaven, North-Carolina hath yet made no effort; and whereas it is a charity, which every people, generous, humane and intelligent, should commence with fervour and pursue with zeal, in which emulation is virtue, and success is glory; Therefore

*Be it resolved by the General Assembly of the State of North-Carolina*, That it is expedient to establish and endow a Lunatic Assylum in this State.

*Resolved further*, That Bartlett Yancy and John Stanly be appointed Commissioners to collect information and prepare a plan to carry into effect the object of the foregoing resolution; and that they report such plan as they deem advisable, with an estimate of the expenditures necessary to its execution, to the next General Assembly.

*Resolved*, That the Public Treasurer be, and he is hereby authorised to cause to be erected a suitable and convenient building on the public square, in which to suspend and preserve the new bell; and that he be allowed such sum as may be necessary to erect the same in the settlement of his public accounts.

*Resolved*, That the Public Treasurer be credited, in his account with the State, by the sum of fourteen hundred and eight dollars and eleven cents, being the amount of treasury notes burnt on the second of January, one thousand eight hundred and twenty-six, by order of this General Assembly.



*Resolved*, That the Public Treasurer be credited in his account with the State, by the sum of thirteen thousand nine hundred and eighty-four dollars thirty-five cents, the amount of Treasury Notes burnt under the direction of the committee of Finance, on the 22d instant [December.]

---

WHEREAS the General Assembly of North-Carolina, A. D. 1821, chapter CXXX, did appoint commissioners to lay out the streets in the town of Fayetteville, and to establish the boundaries thereof; and the said commissioners, in the prosecution of their duty in laying off said streets, an error was obtained in spelling one of the inferior streets of said town, which instead of "Robinson street," should be "Robeson street;" and whereas plats of said town has been deposited in the offices of Secretary of State, the clerk of the County Court of Cumberland county, and the clerk of the town of Fayetteville;

*Resolved*, That the Secretary of State, the clerk of the County Court of Cumberland county, and the clerk of the town of Fayetteville, be, and they are hereby directed to correct the said error in the plan of the town of Fayetteville, deposited in their several offices, and instead of "Robinson street," insert "Robeson street."

---

*Resolved*, That the sum of five hundred dollars be appropriated for the purpose of purchasing additional furniture for the Governor's house, and that the Treasurer be, and he is hereby instructed to pay over to the Governor the above sum, for which he shall be allowed in the settlement of his public account.

*Resolved*, That the Comptroller be authorised and directed to employ some suitable person to take care of the Capitol and public square, which person shall be under the control of the Heads of Department, and at a salary not exceeding one hundred dollars; which the Treasurer is hereby directed to pay half yearly. It shall be the duty of the keeper to take charge of the keys, keep the house and rooms in proper order, to hang curtains made of green baize before the windows, to protect the other curtains from the sun; put a gauze curtain over the portrait of Washington in the Commons Hall, and over the Declaration of Independence in the Hall of the Commons and Senate Chamber, and put glasses in the frames of the same, rake off the public square, spring and fall, and burn or haul off the trash, attend visitors, &c.

*Resolved*, That the Treasurer be, and is hereby instructed to pay for any repairs that may be wanting in the Capitol or Governor's house, and also to pay for the gauze and baize required by the preceding resolution.

---

*Resolved*, That the Governor's Private Secretary be, and he is hereby authorised and directed to sell the copy of Ree's Cyclopaedia, purchased by the late Governor Holmes, and to apply the proceeds thereof, together with the sum of eighteen dollars and sixty-seven cents, the unexpended balance of the appropriation of one thousand eight hundred and twenty, to the purchase of such articles of furniture as are wanted for the Governor's house.

---

*Resolved*, That Lewis Gomez, of the town of Wilmington, be, and he is hereby discharged from the payment of any penalty, which he may have incurred in consequence of failing to make quarterly returns as Auctioneer of said town, as required by the act of 1824; and that the Comptroller be directed to give him a full discharge accordingly.



## RESOLUTIONS.

*Resolved*, That the committee of Finance cause to be burnt, under their superintendence, all the treasury notes now in the treasury, which are unfit for circulation.

*Resolved, unanimously*, That the Governor of this State be, and he is hereby authorised to draw out of the Treasury of this State the sum of seven hundred and fifty dollars, to be by him vested in some productive stock, the principal and interest thereof to be used and applied, in the best possible manner, for the benefit of James Forsythe, and the same to be transferred to the said James, when he arrives at the age of twenty-one years: *Provided, nevertheless*, that should the said James die before arriving at the age of twenty-one years, the stock so invested shall revert to the State of North-Carolina.

*Resolved further*, That the resolution of this General Assembly, passed in one thousand eight hundred and seventeen, appropriating a certain sum therein specified for the education of said James Forsythe, be, and the same is hereby rescinded and repealed.

*Resolved*, That the Secretary of State purchase, upon the best terms on which the same can be obtained in the Northern market, suitable stationary required for the Executive office, the officers of the other departments of Government, and the Clerks of the General Assembly, for the ensuing year, and that the Treasurer advance the Secretary the sum necessary to make such purchase, not exceeding three hundred dollars; and that the rule of the House requiring all resolutions and reports, the object of which is to draw money out of the Treasury, be dispensed with so far as the same respects this resolution.

*Resolved*, That Hugh and Eli Stewart, of the county of Mecklenburg, be exempted from any penalty which they may have incurred for not settling with the Sheriff of said county for a retail store tax, in the manner prescribed by law.

*Resolved*, That it was the true intent and design of the resolution, passed by this General Assembly in the year one thousand eight hundred and twenty-one, in relation to the Public Library, that the sum of five hundred dollars should be thereafter annually appropriated for the increase of the Library.

*Resolved*, That the Public Treasurer of this State be authorised and requested to sell the old bell belonging to the State, and the money arising from the sale thereof to be accounted for by him as other public moneys.

Read three times and ratified in General Assembly, }  
the 4th day of January, 1826.

JOHN STANLY, S. H. C.  
B. YANCY, S. S.

A true Copy. WM. HILL, Sec'y.



# INDEX.

## PUBLIC ACTS.

|  | Page. |   | Page. |
|--|-------|---|-------|
| An act to create a fund for the establishment of common schools,   | 3     | orphans, and security and management of their estates,  | 11    |
| To prevent persons, who have been or may be appointed commissioners for any purposes, from becoming contractors,   | 4     | To provide for taking testimony in certain cases in the Supreme Court,  | 12    |
| For the relief of certain purchasers of the Cherokee Lands,  | ib    | Making overseers of public roads competent witnesses as to notice,  | ib    |
| Concerning the entry of land in this State,  | 5     | Concerning the settlement of guardians appointed by the Superior Courts,  | 13    |
| Directing the manner in which licenses shall be hereafter issued to retailers of spirituous liquors,   | ib    | Amending the act of 1792, entitled "an act to amend an act, entitled 'an act to prevent the stealing of slaves, or by violence, seduction, or any other means, taking or carrying away any slave or slaves, the property of another,'" &c.      | ib    |
| Extending the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift,  | 6     | Concerning the navigation of Neuse River,   | 14    |
| Directing the manner in which the regiments of Infantry shall hereafter be reviewed,   | 7     | Amending the act of 1816, entitled "an act to amend the laws in force respecting the trial of slaves in capital cases," and extending the provisions thereof to the trial of slaves in certain other cases,                                     | ib    |
| Making an appropriation for clearing out the flats below Wilmington,   | ib    | Ceding Bogue Banks to the U. States,  | 15    |
| Directing to whom the bonds of certain officers shall be made payable,   | ib    | Altering the time of the annual meeting of the General Assembly,  | 16    |
| Providing for the removal of the shoal in the Tar river below Washington,  | 8     | Directing the Board of Internal Improvement to make contracts with such persons as may hereafter undertake any of the public improvements in this State, and to take bond and security for the performance of the same,                         | ib    |
| For the better protection of public bridges owned by individuals or corporations, and prescribing the punishment for burning the same,   | ib    | To amend and explain the 8th section of the act of 1784, empowering the County Courts of the several counties to order the laying out of public roads,  | 17    |
| Ceding to the United States, Oak Island,   | ib    | Limiting the time in which actions shall be brought on justices' judgments,   | ib    |
| To extend the provisions of an act of 1822, granting further time to perfect titles to lands within this State,  | 9     | To amend the sixth section of the act of 1793, entitled "an act to amend such parts of the act, entitled 'an act for establishing Courts of Law, and for regulating the proceedings therein, as may relate to the proceedings on attachments,'" | 18    |
| To revive and continue in force the act of 1824, entitled "an act to alter and amend the act of 1823, entitled 'an act for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State,'" | ib    | Giving further time to the Catawba Navigation Company to complete the navigation of the Catawba river,  | ib    |
| Directing the manner in which the costs of suits decided in the Supreme Court shall be collected and paid over,  | ib    | Authorising the Stockholders of the Dis- mal Swamp Canal Company to increase their capital stock,   | ib    |
| Amending the several acts passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's ford,  | 10    | Giving the assent of North-Carolina to  |       |
| Compelling certain officers to make out their fee bills in dollars and cents,  | 11    |   |       |
| Amending the act for the better care of  |       |   |       |



|  | Page. |   | Page. |
|--|-------|---|-------|
| the act of Virginia, passed January 29, 1818, authorising the Dismal Swamp Canal Company to open a navigable communication between the Canal and the North West river, | 19    | Authorising the County Courts of Stokes and Gates to appoint a committee of Finance,  | 37    |
| To repair and improve the road leading from Columbia, in Tyrrell county, to Gum Neck and Frying Pan,   | 22    | Authorising Abner Payne to erect a gate,  | 39    |
| To encourage the publication of a historical and scientific work on this State,  | 23    | Restoring to credit Thomas Bennett,   | ib    |
|  |       | To prevent persons from injuring a dam and canal, lately constructed by Ebenezer Pettigrew,   | ib    |
| <b>PRIVATE ACTS.</b>   |       | Repealing the act of 1823, entitled "an act to amend an act, passed in the year 1822, entitled 'an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie,'" so far as the same relates to the county of Moore,            | 40    |
| To repeal in part the several acts respecting the sales of land and slaves under execution, so far as regards the county of Gates,                                     | 25    | Regulating the patrol of Lenoir county,   | ib    |
| Changing the time of laying the county taxes of Craven county, and appointing receivers of lists of taxables in said county,   | ib    | To repeal the act of 1824, making compensation to the jurors of the Superior and County Courts of Columbus, and for laying a tax for the same,  | 41    |
| Incorporating Morning Star Lodge,  | ib    | Altering the time of holding the Superior Courts of Law and Equity for the counties of Halifax and Northampton,   | ib    |
| Altering the time of holding the Superior Courts of Law and Equity for the counties of Halifax and Northampton,  | ib    | Granting to the Superior Court of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary,   | ib    |
| Annexing a part of the lower regiment to the second regiment in Robeson county,  | 26    | Appointing commissioners to contract for the building of a new court-house in the county of Wilkes, to fix the site for the same, and for other purposes,   | 42    |
| Authorising the County Court of Bladen to appoint commissioners to lay off Turnbull Creek into districts, for the purpose of being worked on and rendered navigable,   | ib    | Prescribing the time and places of electing the members of the General Assembly for the county of Wayne, members of Congress, and Electors to vote for President and Vice President of the United States, and repealing part of the act of 1824, passed for that purpose, | 44    |
| Altering the name of Edward Newton Daniel, and legitimating him,   | ib    | Establishing Oak Grove Academy, and incorporating the trustees thereof,   | 45    |
| Supplemental to the act of the present session, providing for the better government of Wadesborough,   | 27    | Directing the manner in which constables shall be hereafter appointed in Sampson county,  | ib    |
| Securing to Elizabeth Witherspoon such property as she may hereafter acquire,  | ib    | Concerning the appointment and power of patrols in Robeson county,  | 46    |
| Establishing and regulating a turnpike road in the counties of Rutherford and Buncombe,  | ib    | Compelling the register of Rowan to keep his office in the court-house of said county,  | ib    |
| Concerning the town of Oxford,   | 28    | To repeal the act of 1811, authorising the County Court of Nash to appoint commissioners to contract for building public houses on the public ground at Nash court-house,   | 47    |
| To revive and continue in force the provisions of the act of 1818, directing a road to be laid out and opened from Leaksville to Rockford, and to amend the same,      | 29    | Authorising Willis Lewis to erect and keep up two gates,  | ib    |
| For the better regulation of the town of Beaufort,   | 30    | Providing for the better government of the town of Lincolnton,  | ib    |
| Amending the act of 1814, for the better regulation of Wilkesborough,  | 36    |   |       |
| Concerning stakes in Neuse river below Newbern, and in Core Sound, in Carteret county,   | ib    |   |       |
| Amending the several acts heretofore in force for the appointment of commissioners for the town of Warrenton,  | 37    |   |       |



| Page. |  | Page.   |
|-------|--|---|
| 49    | Establishing a poor house in Martin county,  | To repeal the act of 1822, making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie, so far as the same relates to the county of Bertie,   |
| 50    | For the improvement of the navigation of Perquimons river, above Newby's bridge,   | 65  |
| ib    | To prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county,   | To amend the act of 1822, concerning the town of Salisbury,   |
| ib    | Making compensation to the jurors of the Superior and County Courts of Ashe,   | ib  |
| 51    | Establishing Williams Academy, and incorporating the trustees thereof,   | Establishing a poor and work house in Bertie county,  |
| ib    | For the better government of Wadesborough,   | 70  |
| 53    | Authorising the building of a toll bridge over the river Cape-Fear, and incorporating a company for that purpose,  | Amending the act, entitled "an act to amend an act, entitled 'an act directing the time and place of sales of land and slaves under execution in Rowan county,"   |
| 55    | Allowing commissions to constables in Halifax county,  | ib  |
| 56    | Authorising the County Court of Beaufort county to appoint a committee of Finance,   | Authorising David Craig to erect two gates,   |
| 58    | Appointing commissioners for Chapel Hill,  | 71  |
| 59    | For the better regulation of Pittsboro',   | To amend the act of 1822, making compensation to the jurors of the counties of Franklin and Camden,   |
| 61    | For the better regulation of the committee of Finance in Cumberland county,  | ib  |
| 62    | Establishing a poor house in Granville county,   | Establishing Pleasant Grove Academy, and incorporating the trustees thereof,  |
| 63    | Repealing so much of the law now in force as provides for the payment of talismen jurors in the County or Superior Courts, so far as relates to New Hanover county,                                | ib  |
| ib    | To repeal the act of 1812, directing the time and manner of appointing overseers of roads in Richmond county,  | Directing at what time the polls shall be closed at the separate elections in the counties of Martin and Gates,   |
| ib    | Incorporating Eastern Lodge,   | 72  |
| ib    | To repeal in part the act of 1820, authorising and empowering the commissioners of Fayetteville, Newbern, Wilmington and Tarborough to organize and keep up fire engine companies,                 | Supplemental to the act of the present session, entitled "an act to extend the provisions of an act, passed in 1824, entitled 'an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person,' to the county of Rowan," |
| ib    | Incorporating Fellowship Lodge, No. 84,  | ib  |
| 64    | To repeal part of the act of 1818, authorising the County Courts of Craven and Cumberland to appoint special justices of the peace, and making compensation to such justices for certain services, | Divorcing Gideon B. Smith from his wife Eleanor,  |
| ib    | Authorising John Matthews to erect a gate,   | ib  |
| ib    | Divorcing Judith De La Chapel from her husband Gabriel De La Chapel,   | Dividing the regiment of militia in Rockingham county,  |
| ib    | Altering the dividing line between the counties of Stokes and Surry,   | ib  |
| ib    | Establishing a distinct militia company and battalion muster in Carteret county,   | To amend the act of 1803, incorporating the town of Trenton,  |
| ib    |  | 73  |
|       |  | In addition to the several acts heretofore passed concerning the town of Trenton,   |
|       |  | ib  |
|       |  | Incorporating Farmers' Library Society, in Northampton county, and the Library Society of Greensborough, in Guilford county,  |
|       |  | ib  |
|       |  | Declaring in force in Rowan county the provisions of the act of 1824, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person,"   |
|       |  | 74  |
|       |  | Incorporating Ebenezer Academy,   |
|       |  | ib  |
|       |  | Divorcing Elizabeth Brickell from her husband Samuel Brickell, and altering her name,   |
|       |  | ib  |
|       |  | Incorporating Lafayette Lodge, No. 83,  |
|       |  | 75  |
|       |  | To repeal the act of 1822, exempting certain citizens of Hyde county from public duty,  |
|       |  | ib  |
|       |  | Incorporating the Abbot's Creek Library Society,  |
|       |  | ib  |
|       |  | Making compensation to the jurors of  |



|   | Page. |   | Page. |
|---|-------|---|-------|
| the Superior and County Courts of Randolph,   | 75    | as relates to the county of Bladen,   | 82    |
| Appointing commissioners for the town of Bath, and for the better regulation of the same,   | 76    | Appointing commissioners to lay off a road from John Harden's to Ashe Court House,  | ib    |
| Providing for the payment of jurors of Nash county,   | ib    | Authorising a certain number of the justices of the peace for Edgecom e county to appropriate the county monies,                    | ib    |
| Authorising Joseph Welsh to erect two gates on the Smoky Mountain Turnpike Road, and Josiah Holly to erect and keep up a gate on the road leading to Colerain Landing,  | 77    | Respecting the County Court of Tyrrell,   | 83    |
| Authorising the County Courts of Carteret and Jones to appoint special justices, and making compensation to such justices for certain services,   | ib    | Regulating the Tarborough Academy,  | ib    |
| To keep open the French Broad river and the Tennessee river for the passage of fish,  | 78    | Establishing Lexington Academy, and incorporating the trustees thereof,   | ib    |
| Establishing a poor house in Burke county,  | ib    | Authorising the trustees of the Salisbury Academy to raise 10,000 dollars by Lottery,   | ib    |
| Amending the act for the better regulation of the town of Murfreesborough, and to enlarge the same,   | 79    | Altering the times of holding two of the County Courts of Brunswick,  | ib    |
| Locating the poor house of Davidson county,   | ib    | Concerning the County Court of Bladen,  | 84    |
| Incorporating Line Academy,   | 80    | To keep open, for the passage of fish, Main White Oak River,  | ib    |
| Altering the time of holding the County Courts of Washington county,  | ib    | Repealing in part the act of 1811, for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe, | ib    |
| Repealing all the private acts heretofore passed for the regulation of the patrol of Richmond county, so far as relates to said county,   | ib    | Divorcing John Chambers from his wife Rainey,   | ib    |
| Establishing Shady Grove Academy, and incorporating the trustees thereof,   | 81    | Altering the time of holding the County Court of Person,  | ib    |
| Giving exclusive jurisdiction to the Superior Court of Anson of pleas and prosecutions of the State,  | ib    | To repeal part of the act of 1820, establishing separate Courts of Probate for the counties of Pasquotank and Ruth-erford,          | 85    |
| Incorporating the trustees of the Colerain Academy,   | ib    | Concerning the militia of Montgomery county,  | ib    |
| To amend the act of 1822, authorising the County Courts of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, Columbus, Currituck, Craven, Sampson, Tyrrell and Bladen to appoint a committee of Finance, so far |       | Incorporating University Lodge,   | ib    |
|   |       | Providing more effectually for the poor of Tyrrell county,  | ib    |
|   |       | Incorporating the Agricultural Society of Stokes county,  | 86    |
|   |       | To amend the first section of the act of 1819, concerning the town of Concord,  | ib    |
|   |       | Regulating the time of closing the polls at the several elections in the counties of Lenoir and Carteret,                           | ib    |
|   |       | Authorising the County Court of Robeson to perfect title for land whereon to erect a new jail,                                      | ib    |















# A STATEMENT OF THE REVENUE OF NORTH-CAROLINA.

## A STATEMENT

Of the Nett Amount of that Branch of the Revenue which is receivable by the Sheriffs for the year 1824.

| Counties.    | Sheriff's Names.    | Land Tax. | Town Property Tax. | Poll Tax. | State Tax. | Postage Tax. | Artificial Curvature Tax. | Natural Curvature Tax. | Negro Tax. | Billiard Tax. | Broker Tax. | Amount paid by sheriffs. | Amount paid by citizens. |
|--------------|---------------------|-----------|--------------------|-----------|------------|--------------|---------------------------|------------------------|------------|---------------|-------------|--------------------------|--------------------------|
| Dolls.       | Cts.                | Dolls.    | Cts.               | Dolls.    | Dolls.     | Cts.         | Dolls.                    | Cts.                   | Dolls.     | Cts.          | Dolls.      | Dolls.                   | Cts.                     |
| Anson.       | Abraham Myers.      | 329 08    | 11 24              | 438 42    | 82 72      | 112 80       | -                         | -                      | -          | -             | -           | 995 34                   | 995 34                   |
| Ashe.        | John Ray.           | 116 57    | 3 34               | 114 19    | 50 08      | -            | -                         | -                      | -          | -             | -           | 974 51                   | 974 51                   |
| Beaufort.    | Alfred Galloway.    | 308 47    | 4 85               | 305 72    | 4 70       | 35 72        | -                         | -                      | -          | -             | -           | 504 35                   | 504 35                   |
| Branswick.   | William D. Smith.   | 299 80    | 34 30              | 247 10    | 4 70       | 50 70        | -                         | -                      | -          | -             | -           | 646 86                   | 646 86                   |
| Brunswick.   | Stephen Owens.      | 524 18    | -                  | 441 41    | 170 36     | 18 80        | 14 10                     | -                      | -          | -             | -           | 974 29                   | 974 29                   |
| Camden.      | Samuel M. Tate.     | 472 06    | -                  | 364 43    | 37 60      | 18 80        | 37 00                     | -                      | -          | -             | -           | 973 24                   | 973 24                   |
| Carroll.     | Alex. L. Harvey.    | 307 55    | 4 30               | 303 25    | 13 15      | 57 60        | -                         | -                      | -          | -             | -           | 680 55                   | 680 55                   |
| Catawba.     | James C. Cole.      | 601 41    | 10 60              | 666 01    | 151 69     | 44 39        | 14 10                     | -                      | -          | -             | -           | 1063 73                  | 1063 73                  |
| Chatham.     | Thomas Marshall.    | 158 55    | 23 95              | 132 60    | 85 43      | -            | -                         | -                      | -          | -             | -           | 1018 00                  | 1018 00                  |
| Cherokee.    | Isaac Baxter.       | 132 12    | -                  | 948 40    | 73 20      | -            | -                         | -                      | -          | -             | -           | 442 30                   | 442 30                   |
| Chowan.      | Luke G. Lamb.       | 172 81    | -                  | 924 48    | 16 92      | -            | -                         | -                      | -          | -             | -           | 476 10                   | 476 10                   |
| Cumberland.  | George Williamson.  | 252 71    | 1 40               | 643 63    | 109 04     | 18 80        | -                         | -                      | -          | -             | -           | 430 69                   | 430 69                   |
| Dalhart.     | James R. Bent.      | 238 70    | 79 83              | 379 53    | 171 08     | -            | -                         | -                      | -          | -             | -           | 374 24                   | 374 24                   |
| Davies.      | Horace D. Bridges.  | 564 21    | 0 82               | 557 39    | 84 60      | -            | -                         | -                      | -          | -             | -           | 879 05                   | 879 05                   |
| Durham.      | John Black.         | 454 43    | 251 76             | 349 87    | 73 20      | -            | -                         | -                      | -          | -             | -           | 1294 55                  | 1294 55                  |
| Edgecombe.   | Josiah Williamson.  | 113 80    | 0 10               | 116 92    | 73 20      | -            | -                         | -                      | -          | -             | -           | 348 06                   | 348 06                   |
| Fayette.     | James A. Means.     | 341 41    | 0 34               | 367 75    | 56 40      | 37 60        | -                         | -                      | -          | -             | -           | 283 03                   | 283 03                   |
| Gaston.      | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 747 21                   | 747 21                   |
| Guilford.    | James Wiseman.      | 444 02    | 9 80               | 351 75    | 47 00      | 37 60        | -                         | -                      | -          | -             | -           | 822 71                   | 822 71                   |
| Hamilton.    | Spencer L. Hart.    | 956 91    | 70 73              | 724 18    | 118 44     | -            | -                         | -                      | -          | -             | -           | 920 00                   | 920 00                   |
| Henderson.   | Presley C. Person.  | 447 29    | 30 40              | 376 45    | 118 44     | -            | -                         | -                      | -          | -             | -           | 1904 13                  | 1904 13                  |
| High.        | William Archibald.  | 638 71    | 18 24              | 453 87    | 100 03     | -            | -                         | -                      | -          | -             | -           | 1214 15                  | 1214 15                  |
| Iredell.     | Wm. W. Ridick.      | 282 80    | -                  | 347 60    | 92 35      | -            | -                         | -                      | -          | -             | -           | 1270 00                  | 1270 00                  |
| Jackson.     | Nathaniel Robards.  | 748 09    | 21 24              | 954 33    | 142 88     | 65 80        | -                         | -                      | -          | -             | -           | 661 81                   | 661 81                   |
| Lincoln.     | Henry S. Taylor.    | 287 03    | -                  | 234 79    | 13 04      | 67 60        | -                         | -                      | -          | -             | -           | 1993 59                  | 1993 59                  |
| Macon.       | Martha C. Taylor.   | 1063 73   | 17 28              | 924 45    | 13 04      | -            | -                         | -                      | -          | -             | -           | 650 88                   | 650 88                   |
| Madison.     | Henry S. Taylor.    | 1063 73   | 17 28              | 924 45    | 13 04      | -            | -                         | -                      | -          | -             | -           | 308 58                   | 308 58                   |
| Mecklenburg. | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 973 43                   | 973 43                   |
| Mitchell.    | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 467 94                   | 467 94                   |
| Montgomery.  | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 231 43                   | 231 43                   |
| Morris.      | Abraham Stanton.    | 392 30    | 4 12               | 394 60    | 80 84      | 57 60        | -                         | -                      | -          | -             | -           | 1034 10                  | 1034 10                  |
| Newbern.     | Leonard Hatch.      | 440 85    | 12 34              | 428 51    | 24 41      | 94 00        | 14 10                     | -                      | -          | -             | -           | 773 68                   | 773 68                   |
| Onslow.      | Allen S. Ballenger. | 802 91    | 00 04              | 673 50    | 141 00     | 113 80       | 141 00                    | -                      | -          | -             | -           | 1046 15                  | 1046 15                  |
| Orange.      | Jacobi Forney.      | 333 98    | 8 82               | 305 16    | 45 12      | 18 80        | -                         | -                      | -          | -             | -           | 1932 74                  | 1932 74                  |
| Perquimans.  | Josiah Lufkin.      | 255 75    | 4 35               | 237 94    | 16 92      | 37 60        | -                         | -                      | -          | -             | -           | 786 04                   | 786 04                   |
| Piedmont.    | Daniel McNeill.     | 267 11    | 1 16               | 241 40    | 50 79      | -            | -                         | -                      | -          | -             | -           | 507 93                   | 507 93                   |
| Polk.        | Abraham Forney.     | 701 88    | 40 42              | 621 46    | 154 16     | -            | -                         | -                      | -          | -             | -           | 457 65                   | 457 65                   |
| Rowan.       | John Sloan.         | 336 41    | -                  | 348 09    | 60 16      | -            | -                         | -                      | -          | -             | -           | 1692 11                  | 1692 11                  |
| Salem.       | Edward Griffin.     | 337 12    | 280 16             | 31 01     | 60 16      | -            | -                         | -                      | -          | -             | -           | 744 75                   | 744 75                   |
| Swain.       | Gabriel Holmes, Jr. | 337 95    | 5 02               | 329 93    | 924 02     | -            | -                         | -                      | -          | -             | -           | 8210 86                  | 8210 86                  |
| Tay.         | S. W. Wick.         | 897 40    | -                  | 731 90    | 69 50      | 18 80        | -                         | -                      | -          | -             | -           | 933 03                   | 933 03                   |
| Townsend.    | James H. Wood.      | 330 23    | 4 41               | 324 85    | 82 72      | -            | -                         | -                      | -          | -             | -           | 1073 40                  | 1073 40                  |
| Union.       | Brice Fovellie.     | 1029 11   | 54 12              | 891 31    | 159 80     | 75 20        | -                         | -                      | -          | -             | -           | 707 45                   | 707 45                   |
| Van.         | Thomas D. Watts.    | 305 25    | -                  | 410 25    | 33 84      | -            | -                         | -                      | -          | -             | -           | 2781 74                  | 2781 74                  |
| Wake.        | John Barnett.       | 234 16    | 14 86              | 304 02    | 54 16      | -            | -                         | -                      | -          | -             | -           | 801 51                   | 801 51                   |
| Wayne.       | William Gregory.    | 660 28    | 12 24              | 629 40    | 80 84      | -            | -                         | -                      | -          | -             | -           | 755 11                   | 755 11                   |
| Yam.         | James Sheppard.     | 270 74    | 13 47              | 304 38    | 40 64      | 43 80        | 14 10                     | -                      | -          | -             | -           | 1338 70                  | 1338 70                  |
| Zach.        | Myles Elliott.      | 696 50    | 63 10              | 708 76    | 62 04      | 36 40        | -                         | -                      | -          | -             | -           | 704 21                   | 704 21                   |
| Ashe.        | Charles Fisher.     | 415 18    | 3 96               | 408 43    | 184 24     | 37 60        | 18 80                     | -                      | -          | -             | -           | 1737 92                  | 1737 92                  |
| Beaufort.    | Isaac Lane.         | 440 06    | -                  | 440 06    | 63 04      | 36 40        | -                         | -                      | -          | -             | -           | 890 58                   | 890 58                   |
| Branswick.   | John Odom.          | 364 78    | 1 80               | 301 98    | 91 23      | -            | -                         | -                      | -          | -             | -           | 915 23                   | 915 23                   |
| Brunswick.   | Duncan M. Alpin.    | 256 76    | 6 40               | 288 16    | 60 14      | 61 94        | -                         | -                      | -          | -             | -           | 601 94                   | 601 94                   |
| Camden.      | Alex. Nicholson.    | 476 44    | 13 78              | 419 81    | 32 64      | 43 80        | -                         | -                      | -          | -             | -           | 635 78                   | 635 78                   |
| Chatham.     | William Carson.     | 234 16    | 1 45               | 400 44    | 80 84      | 37 60        | -                         | -                      | -          | -             | -           | 1068 89                  | 1068 89                  |
| Cherokee.    | Thos. K. Morsey.    | 476 44    | 1 45               | 400 44    | 11 28      | 131 60       | -                         | -                      | -          | -             | -           | 881 75                   | 881 75                   |
| Catawba.     | James H. Wright.    | 476 44    | 1 45               | 400 44    | 32 64      | 43 80        | -                         | -                      | -          | -             | -           | 242 38                   | 242 38                   |
| Chowan.      | C. L. Banner.       | 329 45    | 54 81              | 415 11    | 101 92     | -            | -                         | -                      | -          | -             | -           | 1105 73                  | 1105 73                  |
| Dalhart.     | Henry Alexander.    | 144 88    | -                  | 150 95    | 33 24      | -            | -                         | -                      | -          | -             | -           | 537 21                   | 537 21                   |
| Durham.      | Josiah Garrett.     | 137 35    | 84 03              | 136 66    | 125 00     | -            | -                         | -                      | -          | -             | -           | 550 58                   | 550 58                   |
| Fayette.     | John Fanny.         | 237 95    | 15 35              | 97 37     | 241 58     | 18 80        | 28 20                     | 14 10                  | -          | -             | -           | 553 30                   | 553 30                   |
| Guilford.    | James Patten.       | 810 47    | 154 95             | 97 37     | 107 16     | 18 80        | -                         | -                      | -          | -             | -           | 2953 31                  | 2953 31                  |
| Hamilton.    | V. C. Clanton.      | 662 01    | -                  | 740 10    | 107 16     | 18 80        | -                         | -                      | -          | -             | -           | 2016 93                  | 2016 93                  |
| Iredell.     | William Smith.      | 530 88    | 4 75               | 365 10    | 35 72      | 36 40        | -                         | -                      | -          | -             | -           | 1021 52                  | 1021 52                  |
| Lincoln.     | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 999 62                   | 999 62                   |
| Mecklenburg. | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 6679 96                  | 6679 96                  |
| Montgomery.  | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 188 00                   | 188 00                   |
| Morris.      | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 350 58                   | 350 58                   |
| Newbern.     | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 553 30                   | 553 30                   |
| Onslow.      | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 2953 31                  | 2953 31                  |
| Orange.      | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 2016 93                  | 2016 93                  |
| Perquimans.  | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 1021 52                  | 1021 52                  |
| Piedmont.    | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 350 58                   | 350 58                   |
| Polk.        | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 553 30                   | 553 30                   |
| Rowan.       | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 2953 31                  | 2953 31                  |
| Salem.       | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 2016 93                  | 2016 93                  |
| Swain.       | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 1021 52                  | 1021 52                  |
| Tay.         | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 350 58                   | 350 58                   |
| Townsend.    | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 553 30                   | 553 30                   |
| Union.       | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 2953 31                  | 2953 31                  |
| Van.         | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 2016 93                  | 2016 93                  |
| Wake.        | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 1021 52                  | 1021 52                  |
| Wayne.       | John E. Hussey.     | 366 24    | -                  | 437 20    | 56 40      | -            | -                         | -                      | -          | -             | -           | 350 58                   | 350 58                   |

## A STATEMENT

Of the Nett Amount of that Branch of the Revenue which is receivable by the Clerks of the County Courts, for licenses issued to retailers of Spirituous Liquors, by the small auctioneers, for 1824-'25; from Auctioneers, for duties on sales at Auction for 1824-'25; and from the Banks of Newbern and Cape-Fear, for the tax for the year 1823, commencing from the 31st day of June, 1824, to the 1st day of June, 1825.

| June, 1824, to the 1st of July, 1825. |                             |                    |                     |              |                       |                        |                         |
|---------------------------------------|-----------------------------|--------------------|---------------------|--------------|-----------------------|------------------------|-------------------------|
| Counties.                             | Clerk's Names.              | Sum due.<br>Dolls. | Sum paid.<br>Dolls. | Counties.    | Names of Auctioneers. | Sum due.<br>Dolls Cts. | Sum paid.<br>Dolls Cts. |
| Anson.                                | William Dismukes,           | 44                 | 44                  | Beaufort,    | N. J. Oliver,         | 11 40                  | 11 40                   |
| Ashe,                                 | Thomas Galloway,            | 16                 | 16                  | Craven,      | M. H. Lente,          | 32 11                  | 32 11                   |
| Branswick,                            | Edward Fitzgerald,          | 44                 | 44                  | Cumberland,  | J. S. Fowler,         | 26 25                  | 26 25                   |
| Burke,                                | Joseph B. Hinton,           | 80                 | 80                  | do.          | E. W. Willings,       | 280 26                 | 280 26                  |
| Bladen,                               | Alex <sup>r</sup> McDowell, | 16                 | 16                  | do.          | H. W. Ayer,           | 194 63                 | 194 16                  |
| Bertie,                               | Elisha A. Rhodes,           | 52                 | 52                  | Mecklenburg, | L. P. Harris,         | 4 37                   | 4 37                    |
| Craven,                               | James G. Stanley,           | 132                | 132                 | Wake,        | J. H. Norman,         | 5 25                   | 5 25                    |
| Carteret,                             | Gilbert Rumley,             | 44                 | 44                  | Pasquotank,  | Wm. Moore,            | 15 16                  | 14 85                   |
| Chatham,                              |                             |                    |                     |              | Joseph Ross,          | 83 83                  | 83 83                   |
| Camden,                               | Malachi S. Lewis,           | 64                 | 64                  |              |                       | 635 14                 | 635 77                  |
| Casswell,                             | Paul A. Donaldson,          | 84                 | 84                  |              |                       |                        |                         |
| Chowan,                               | Henry Wills,                | 48                 | 48                  |              |                       |                        |                         |
| Chatham,                              | Thomas Ragland,             | 60                 | 60                  |              |                       |                        |                         |
| Cumberland,                           | John Armstrong,             | 128                | 128                 |              |                       |                        |                         |
| Columbus,                             | Charles Baldwin,            | 24                 | 24                  |              |                       |                        |                         |
| Catawba,                              | Daniel Coleman,             | 4                  | 4                   |              |                       |                        |                         |
| Duplin,                               | James Pearcell,             | 56                 | 56                  |              |                       |                        |                         |
| Davison,                              | David Mock,                 | 56                 | 56                  |              |                       |                        |                         |
| Edgecombe,                            | Michael Hearn,              | 32                 | 32                  |              |                       |                        |                         |
| Franklin,                             | Smith Patterson,            | 48                 | 48                  |              |                       |                        |                         |
| Guilford,                             | John Hargett,               | 44                 | 44                  |              |                       |                        |                         |
| Gates,                                | Jethro Sumner,              | 28                 | 28                  |              |                       |                        |                         |
| Granville,                            | Stephen K. Sneed,           | 64                 | 64                  |              |                       |                        |                         |
| Greene,                               |                             |                    |                     |              |                       |                        |                         |
| Hallifax,                             | Richard Eppes,              | 64                 | 64                  |              |                       |                        |                         |
| Hatterford,                           | Lewis M. Cooper,            | 60                 | 60                  |              |                       |                        |                         |
| Hay,                                  | John B. Jasper,             | 40                 | 40                  |              |                       |                        |                         |
| Haywood,                              | Robert Love,                | 36                 | 36                  |              |                       |                        |                         |
| Iredell,                              | Robert Simonton,            | 30                 | 30                  |              |                       |                        |                         |
| Jones,                                | Rob <sup>t</sup> Kornegey,  | 20                 | 20                  |              |                       |                        |                         |
| Johnston,                             | Ransom Sanders,             | 24                 | 24                  |              |                       |                        |                         |
| Lincolin,                             | Vadram M'Be,                | 88                 | 88                  |              |                       |                        |                         |
| Lenoir,                               | Dallan Caswell,             | 24                 | 24                  |              |                       |                        |                         |
| Moore,                                | Cornelius Dowd,             | 8                  | 8                   |              |                       |                        |                         |
| Montgomery,                           | John B. Martin,             | 39                 | 39                  |              |                       |                        |                         |
| Mecklenburg,                          | Isaac Alexander,            | 16                 | 16                  |              |                       |                        |                         |
| Marion,                               | Henry B. Hunter,            | 88                 | 88                  |              |                       |                        |                         |
| New-Hanover,                          | Thomas F. Davis,            | 398                | 398                 |              |                       |                        |                         |
| Nash,                                 | Henry Bloom,                | 56                 | 56                  |              |                       |                        |                         |
| Northampton,                          | John W. Harrison,           | 29                 | 29                  |              |                       |                        |                         |
| Onslow,                               | Banister Lester,            | 40                 | 40                  |              |                       |                        |                         |
| Orange,                               | John Taylor,                | 120                | 120                 |              |                       |                        |                         |
| Person,                               | Jesse Dickens,              | 60                 | 60                  |              |                       |                        |                         |
| Pasquotank,                           | Charles Grice,              | 172                | 172                 |              |                       |                        |                         |
| Pitt,                                 |                             |                    |                     |              |                       |                        |                         |
| Perquimans,                           | John Wood,                  | 12                 | 12                  |              |                       |                        |                         |
| Rowan,                                | John Giles,                 | 84                 | 84                  |              |                       |                        |                         |
| Randolph,                             | Jesse Harper,               | 24                 | 24                  |              |                       |                        |                         |
| Rockingham,                           | Robert Galloway,            | 88                 | 88                  |              |                       |                        |                         |
| Robeson,                              | Neill Bue,                  | 8                  | 8                   |              |                       |                        |                         |
| Richmond,                             | M. D. Crawford,             | 40                 | 40                  |              |                       |                        |                         |
| Rutherford,                           | Isaac Craton,               | 96                 | 96                  |              |                       |                        |                         |
| Sampson,                              | James Holmes,               | 44                 | 44                  |              |                       |                        |                         |
| Surry,                                | Joseph Williams,            | 36                 | 36                  |              |                       |                        |                         |
| Stokes,                               | Matthew R. King,            | 124                | 124                 |              |                       |                        |                         |
| Tyrell,                               | Wilson B. Hodges,           | 34                 | 34                  |              |                       |                        |                         |
| Washington,                           |                             |                    |                     |              |                       |                        |                         |
| Wikes,                                | Robert Martin,              | 24                 | 24                  |              |                       |                        |                         |
| Wilkes,                               | Benjamin S. King,           | 12                 | 12                  |              |                       |                        |                         |
| Warren,                               | Casswell Drake,             | 12                 | 12                  |              |                       |                        |                         |
| Wayne,                                | Philip Hooks,               | 32                 | 32                  |              |                       |                        |                         |

3273 2748



# THE-CAROLINA.

Of the Nett Amount of that Branch  
County Courts, for licenses issued  
for 1824-'25; from Auctioneer  
Banks of Newbern and Cape-  
of June, 1824, to the 1st day of

| Amount<br>paid by<br>Sheriffs. | Counties.   | Clerks' Names.    |
|--------------------------------|-------------|-------------------|
| Dolls. Cts.                    |             |                   |
| 995 54                         | Anson,      | William Dismukes  |
| 274 51                         | Ashe,       | Thomas Callaway,  |
| 504 55                         | Brunswick,  | Edward Fitzgerald |
| 646 86                         | Buncombe,   |                   |
| 974 29                         | Beaufort,   | Joseph B. Hinton, |
| 972 24                         | Burke,      |                   |
| 680 35                         | Bladen,     | Alex'r M'Dowell,  |
| 1465 72                        | Bertie,     | Elisha A. Rhodes, |
| 1410 36                        | Craven,     | James G. Stanly,  |
| 442 30                         | Carteret,   | Gilbert Rumley,   |
| 476 16                         | Currituck,  |                   |
| 430 09                         | Camden,     | Malachi S. Lewis, |
| 1374 34                        | Caswell,    | Paul A. Haralson, |
| 879 05                         | Chowan,     | Henry Wills,      |
| 1294 55                        | Chatham,    | Thomas Ragland,   |
| 2482 06                        | Cumberland, | John Armstrong,   |
| 283 03                         | Columbus,   | Charles Baldwin,  |
| 747 21                         | Cabarrus,   | Daniel Coleman,   |
| 822 71                         | Duplin,     | James Pearsall,   |
| 920 00                         | Davidson,   | David Mock,       |
| 904 15                         | Edgecombe,  | Michael Hearn,    |
| 214 15                         | Franklin,   | Smith Patterson,  |
| 212 55                         | Guilford,   | John Hanner,      |
| 661 81                         | Gates,      | Jethro Sumner,    |
| 993 59                         | Granville,  | Stephen K. Sneed, |
| 630 39                         | Greene,     |                   |
| 2681 58                        | Halifax,    | Richard Eppes,    |
| 895 53                         | Hertford,   | Lewis M. Cowpr    |
| 467 94                         | Hyde,       | John B. Jasper,   |
| 251 45                         | Haywood,    | Robert Love,      |
| 1024 10                        | Iredell,    | Robert Simonton,  |























